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A

REVISED EDITION OF THE

ORDINANCES

OF THE

GOVERNMENT OF CEYLON.

VOLUME III.—1889-1894.

By Authority.

COLOMBO:
PRINTED BY H. C. COTTLE, ACTING GOVT. PRINTER, CEYLON.

1895.

PREFACE.

WITH this Volume the Revised Edition of the Ceylon Ordinances is complete down to and including No. 4 of 1894. By the time the Second Volume was published the remaining Ordinances for the year 1894 had been finally passed. Accordingly, in the compilation of the Third Volume, the revision has been extended so as to give effect to the amendments by the later Ordinances of 1894.

Now that the revision of the Ordinances has been brought to a close, I have the satisfaction of again expressing my thanks for the great assistance I have received from Mr. H. L. CRAWFORD, C.C.S., and Mr. H. C. COTTLE, the Acting Government Printer.

The Appendices to this Volume (five in number) contain the Charter of 1833, the Tésawaḷamai, the Capitulation of Colombo by the Portuguese to the Dutch, the Capitulation of Colombo by the Dutch to the English, and the Proclamations issued from 1885 to 1894, both inclusive.

The Capitulation of Colombo by the Dutch to the English and certain portions of the Tésawaḷamai were revised and corrected from the original Dutch by the Hon. J. A. SWETTENHAM, our late Auditor-General, and I regret that his promotion to the Straits alone prevented him from fully revising the Tésawaḷamai.

I had contemplated publishing a list of the unpublished Ordinances other than those relating to "Supply," but found on examination that they consisted either of Ordinances in favour of private individuals, such as the Naturalization Ordinances prior to the Naturalization Ordinance, No. 21 of 1890, the conferring of a pension on the late Sir Edward Creasy, or Ordinances passed for some special purpose, which had their effect shortly after the passing of the same, such as the application of Loan Board balances to public buildings, and the raising of loans, long since paid off, for the construction of Public Works, such as No. 19 of 1862, the title of which is inserted in Volume I. of the Revised Edition at page 303; and that a list of the same would only add to the bulk of the volume without being of any practical use.

The very small number of Errata and Addenda discovered in Volumes I. and II., which have now been before the Public for fourteen and six months respectively, afford strong and satisfactory evidence of the very careful way in which these volumes have been printed, and compare most favourably with the earlier Revised Edition of 1870 published in England; and although some 2,270 pages of Ordinances (exclusive of the Appendices, 139 pages) have had to be printed, as against 1,095 pages (exclusive of the Index, 101 pages) in the 1870 Edition, yet the whole three volumes will have been submitted to the Public within two years from the date when the work of revision was first put into my hands; and this again compares most favourably with the time occupied in bringing out the English Edition of 1870 (which was not in fact issued to the Public till 1874), and reflects the highest credit on Mr. G. J. A. SKEEN, Mr. H. C. COTTLE, and the Ceylon Government Printing Office staff.

J. H. TEMPLER,
Crown Counsel.

Colombo, September 18, 1895.

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ERRATUM TO VOLUME II.

Page 393.—Ordinance No. 11 of 1885, reference : *for* " *chapter XIX.*"
read " *chapter XVII.*"

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A REVISED EDITION OF THE

ORDINANCES

OF THE

GOVERNMENT OF CEYLON.

VOLUME III.

No. 3 of 1889.

An Ordinance relating to Buddhist Temporalities in this Island.

WHEREAS it is expedient to provide for the better regulation and management of the Buddhist Temporalities in this island: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows: Preamble.

Preliminary.

1 This Ordinance may be cited for all purposes as "The Buddhist Temporalities Ordinance, 1889;" and it shall come into operation at such time as the Governor shall appoint, by Proclamation* to be published in the *Government Gazette*, and only in such provinces, districts, and sub-districts as hereinafter provided. Short title. Commencement.

2 In this Ordinance, unless the context otherwise requires— Interpretation clause:

"Temple" shall include viháré and dewálé. "Temple."

"Incumbent" shall mean the chief resident priest of a viháré. "Incumbent."

* Proclaimed 15th November, 1889.

Buddhist Temporalities.

"Paravéṇi paṇguwa."

"Paravéṇi paṇguwa" shall mean an allotment of land held by one or more hereditary tenants subject to the performance of service or rendering of dues to a temple.

"Máruwena paṇguwa."

"Máruwena paṇguwa" shall mean an allotment of land held by one or more tenants-at-will under a temple, and subject to the performance of service or rendering of dues to such temple.

What temples may be exempted from the operation of the Ordinance.

3 Where no immovable property belongs or in any wise appertains to, or is appropriated to the use of any temple, and where the movable property so belonging, appertaining, or appropriated as aforesaid does not yield an annual income of five hundred rupees, the Governor may, with the advice of the Executive Council, upon the application of the provincial committee of the province in which such temple is situate, exempt such temple from the operation of this Ordinance by Proclamation in the *Government Gazette*, and with the like advice any such Proclamation revoke.

Division of the island into provinces, districts, and sub-districts

4 For the purposes of this Ordinance, it shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation to be by him issued and published in the *Government Gazette*, to establish so many provinces as to him may appear expedient, and to divide such provinces into districts and sub-districts, and to declare which of such districts shall be deemed to be the principal district; and with the like advice and in like manner to alter and vary the number and limits of any such provinces, districts, or sub-districts.

District Committees.

District committees.

5 There shall be in each such district a committee to be called the district committee, to which each of the sub-districts comprised within such district shall return one member, who shall be elected in manner hereinafter provided.

Mode of summoning public meeting for election of district committees.

6 The chief headman of the sub-district, if he is a Buddhist, and, if he is not, then the chief headman of the nearest sub-district who is a Buddhist, shall, as soon as convenient after the coming into operation of this Ordinance, summon a public meeting to be held at a time and place to be determined by him. He shall also, thirty days at least before the time so determined, cause a written notice of such meeting in the Siṇhalese language to be affixed to some conspicuous part of each temple within the sub-district, and shall also give due publicity to such notice, by beat of tom-tom or otherwise, on three consecutive days before the day fixed for the meeting.

Qualifications of voters.

7 Every Buddhist priest who shall have been resident within such sub-district for a period of six months or upwards, and every male householder above the age of twenty-one years, and professing the Buddhist religion, within such sub-district, shall be entitled to vote.

Qualifications of candidates for election.

8 In order to be qualified to be elected or to serve as a member of the district committee, a person must—

(*a*) Be a Buddhist layman ;

(*b*) Have been the occupier of a house within the district either as owner or tenant for one year previously to the date of his election ;

(*c*) Have completed his twenty-fifth year ;

(*d*) Not have been convicted of any infamous crime.

Procedure at election meeting

9 The headman who shall have summoned the meeting shall either himself preside thereat or appoint by writing under his hand some fit and proper person so to preside. Every person entitled to vote shall personally attend at the time and place appointed, and declare to the president the name of the candidate for whom he votes. The president shall enter the names of the voters for the several candidates in lists to be by him kept for that purpose, and shall at the close of the election publicly declare the name of the candidate for whom the greatest number of votes shall have been recorded, who shall thereupon be deemed to be duly elected, and shall grant to such candidate a certificate under his hand of such his election.

President to have a casting vote.

10 When an equality of votes is found to exist between any two or more candidates, the president shall record his own vote in favour of any one of such candidates, and such vote shall decide the result of the election.

Questions as to right of voters and candidates to be decided by president.

11 If at any election meeting any question shall arise as to the right of any person to offer himself as a candidate, or as to the right of any person to vote for any candidate, the president shall then and there make such inquiry as he may deem requisite, and decide the question himself, and his decision shall be final and conclusive.

District committee to select their own president and to make rules.

12 The district committee elected in manner aforesaid shall select one of their number to be president of such committee, and shall make rules, subject to the approval of the provincial committee appointed as hereinafter provided—

Purposes for which rules may be made defined.

(*a*) For determining the quorum necessary for the transaction of business and the mode of filling up vacancies in their number ;

(*b*) For regulating the time and place of their meetings and the conduct and record of their proceedings ;

(*c*) For prescribing the form in which all accounts, statements, and returns incidental to their business or that of the trustees shall be kept : Provided that if any district court shall, under section 25, prescribe the form in which the accounts of the trustees shall be kept, such form and no other shall be adopted ;

(*d*) For regulating the management of temple schools ;

(*e*) For every purpose necessary to the due exercise of their powers and the performance of their duties under this Ordinance.

Rules to be subject to the approval of provincial committee.

13 The rules when made shall be transmitted to the provincial committee, who shall have power to sanction or disallow them wholly or in part. Such of the rules as may be sanctioned shall be binding on the district committee, and shall be observed by them.

District committee to prepare a register containing certain specified particulars.

14 It shall be the duty of the district committee to ascertain and record in a book to be by them kept for that purpose—

(*a*) The name and situation of each temple within the district;

(*b*) The name of the trustee of such temple under this Ordinance;

(*c*) The average annual income for the preceding three years of the offerings made to such temple;

(*d*) The nature, extent, and value of the paravéṇi and máruwena paṇgus belonging to such temple;

(*e*) The nature, extent, and value of other lands belonging to such temple, whether held under lease or otherwise;

(*f*) The average annual value at the time of the inquiry of the rents, issues, and profits, other than services actually received by such temple from its lands; and also the average annual income which the temple would receive from the lands subject to the performance of services to such temple, if such services were commuted;

(*g*) The extent and boundaries of the land required to be reserved for the precincts of each temple, having regard to the convenience of the priesthood and the due performance of religious ceremonies.

Governor may appoint a commissioner to aid district committees in preparing such register.

15 It shall be lawful for the Governor, upon application in that behalf being made by the provincial committee, to appoint as commissioner any competent person who may be nominated by them, and of whose nomination he shall approve, to aid the district committee in making the inquiry, for the purpose of ascertaining the particulars mentioned in the last preceding section, and to vest such commissioner with all or any of the powers defined in Ordinance No. 9 of 1872. All reasonable expenses *bonâ fide* incurred by such commissioner, when certified under his hand, shall, together with such remuneration for his services as may be fixed by the Governor, be chargeable to, and payable by, the trustees in such proportion as may be assessed in manner provided in section 36.

District committee may suspend trustee guilty of negligence or misconduct. Provincial committee may dismiss such trustee.

16 The district committee shall, whenever it shall be made apparent to them by evidence, which they shall duly record, that any trustee has been guilty of gross negligence or misconduct, suspend such trustee, and forthwith report such suspension, and transmit such evidence to the provincial committee, who shall have power to dismiss such trustee and cause another to be elected in his stead in manner provided in section 17; and the decision of the provincial

committee in regard to such dismissal shall be final and conclusive. Provided always that before such suspension or dismissal the trustee who shall be suspended or dismissed shall be called upon to answer specific charges, which shall be formulated against him, and be allowed an opportunity of defending himself.

Proviso.

Trustees.

17 There shall be one trustee for every temple, who shall be elected by a majority of the members of the district committee of the district within which such temple is situated, at a meeting held by such committee specially for that purpose ; and in the case of any trustee or trustees whose services in the opinion of the provincial committee are deserving of special recognition, it shall be competent for such committee to award him or them such remuneration as the committee may deem proper. No person, however, who does not possess the qualifications described in section 8, and who is not a member of the sect of Buddhists to which such temple belongs, shall be competent either to be elected or to serve as trustee.

One trustee for every temple, to be elected.

Remuneration.

Qualifications.

Provided that the principal lay officer of a déwálé holding office as basnáyaka nilamé at the time this Ordinance comes into operation, shall be entitled to act as trustee of such déwálé for the purposes of this Ordinance, and shall continue to act as such until and unless suspended or dismissed under section 16.

Proviso.

Provided that if such temple shall have been founded under a royal sannas, such trustee shall be nominated by a majority of the Buddhist chief headmen of the district, at a meeting convened and held by them in accordance with rules made in that behalf by the provincial committee.

Proviso.

Provided further that if such temple shall have been founded by any private person, then such trustee may be nominated in writing by the founder or by the surviving head of the founder's family, and failing such nomination such trustee shall be elected by the district committee in manner aforesaid. Nothing however in this proviso contained shall prevent the founder of a temple or the surviving head of his family from nominating himself as trustee if he is willing to act as such.

Proviso

18 Any commutation of the services due by any temple tenant which has been or may hereafter be made under the provisions of "The Service Tenures Ordinance, 1870," shall, from the time of this Ordinance coming into operation, become due and payable to the trustee appointed under section 17.

Commutation under Service Tenures Ordinance, 1870 to be paid to trustee.

19 All contracts made before the date of the coming into operation of this Ordinance in favour of any temple or of any person on its behalf, and all rights of action arising out of such contracts, may be enforced by the trustee under this Ordinance as far as circumstances will admit, as though such contract had been entered into with him ; and all persons

Trustee to enforce contracts in favour of, and to recover moneys payable to, temple.

who at the said date owe any money to any temple or to any person on its behalf shall pay the same to such trustee, who is hereby empowered to recover the same by action if necessary. All moneys received or recovered by any trustee under this Ordinance shall be held and appropriated by such trustee in manner and for the purposes provided in section 20.

All movable and immovable property and all offerings to vest in trustee.

20 All property, movable and immovable, belonging or in any wise appertaining to or appropriated to the use of any temple, together with all the issues, rents, and profits of the same, and all offerings made for the use of such temple other than the pudgalika offerings which are offered for the exclusive personal use of any individual priest, shall vest in the trustee of such temple, subject, however, to any leases and other tenancies, charges, and incumbrances affecting any such immovable property; and such issues, rents, profits, and offerings shall be appropriated by such trustee for the following purposes and no other:

Purposes for which trust fund shall be appropriated.

Repair and furnishing of temple and upkeep of temple roads and buildings

(*a*) The proper repair and furnishing of such temple and the upkeep of the roads and buildings belonging thereto;

Maintenance of priests and ministerial officers.

(*b*) The maintenance of the priesthood and ministerial officers attached to such temple;

Performance of religious services and ceremonies.

(*c*) The due performance of religious services and ceremonies as heretofore carried on, in, or by, or in connection with, such temple;

Promotion of education.

(*d*) The promotion of education;

Relief of the poor and hospitality to priests.

(*e*) The relief of the poor in the case of a déwálé, and the customary hospitality to priests and others in the case of a viháré;

Compensation.

(*f*) The payment of compensation under section 43 or 44;

Payment of the expenses of working this Ordinance.

(*g*) The payment of such share of the expenses incurred in carrying out the provisions of this Ordinance as shall be determined by the provincial committee.

Trustees to keep complete and detailed accounts of income and disbursements.

21 It shall be the duty of the trustee to keep complete and detailed accounts—

(*a*) Of the offerings made to the temple and of the rents, issues, and profits received by him from the movable and immovable property belonging thereto;

(*b*) Of the disbursements made by him for the purposes defined in section 20.

Accounts to be made up half-yearly and transmitted to district committee. District committee to examine and, if need be, call upon trustees to verify accounts.

22 Such accounts shall be made up once every half-year, and, with a declaration endorsed at the foot thereof as "true and correct," and signed by the trustee, shall be transmitted by him within thirty days from the end of each half-year to the district committee, who shall examine the same, and, if need be, call upon the trustee to verify any item or items which to such committee may appear to require proof. The district committee shall, after such examination and verification, if any, forward such accounts with a report thereon to the provincial committee, who shall forthwith apply to the nearest district court to commission such person as they

may nominate and the court shall, after due inquiry as to his fitness, approve, to examine and audit such accounts, and such auditor shall be entitled to such remuneration as the court shall determine. If no application is made by the provincial committee, or if the person nominated by them is not approved by the court, the court shall commission such person as it thinks fit.

District committee to forward accounts to provincial committee, who shall apply to the district court to appoint auditor.

23 The auditor so commissioned as aforesaid may by notice in writing require the production before him of all books, deeds, contracts, accounts, vouchers, and other documents which he may deem necessary, and may require any person holding or accountable for the same to appear before him at any such audit and examination or adjournment thereof, and to make and sign a declaration with respect to the same.

Auditor may call for vouchers and other documents and require declarations to be made.

24 If any such person neglect or refuse to produce any such books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign such declaration, he shall be guilty of an offence and liable for every such neglect or refusal to a fine not exceeding fifty rupees, and to a further fine not exceeding ten rupees for each day during which the offence is continued after he has once been convicted ; and if any such person wilfully make or sign a false declaration he shall be liable to be prosecuted under section 190 of the Ceylon Penal Code.

Penalty for refusing to produce documents, or making false declaration.

25 The auditor shall at the close of his audit and examination send a report in writing, together with all declarations which may have been made and signed before him, to the provincial committee, and a duplicate of such report to the district court, which may, upon the application in that behalf of the provincial committee or of any person so interested as defined in section 47, make such order as it shall think proper. Such court shall also have power from time to time to prescribe the form in which all trustees of temples within its jurisdiction shall keep their accounts.

Auditor to report to provincial committee and district court.

26 It shall be the duty of the trustee, on or before the thirty-first day of October in each year, to prepare and transmit to the district committee a statement showing the nature and amount of the probable receipts, and the particulars of the proposed disbursements for the next ensuing year.

Trustees to prepare and transmit to district committee annual estimates of income and expenditure

27 It shall be lawful for the district committee to revise such statement, and, in case of any doubt, to obtain the instructions of the provincial committee thereon ; and such statement, after being revised and passed by the district committee, shall be returned to the trustee, who shall on no account exceed any item of expenditure specified in such statement without the previous sanction in writing of the district committee.

District committee to revise estimates and, in case of doubt, to consult provincial committee
Trustees not to exceed item of expenditure in revised estimates without the sanction in writing of district committee

28 If the trustee shall in any item exceed the expenditure provided in the statement so revised and passed as aforesaid, or if the issues, rents, profits, and offerings shall not be duly

If expenditure improperly exceeded or income not duly accounted for,

provincial committee to hold public inquiry, and, if necessary, cause the prosecution of trustee reasonably suspected of breach of trust

accounted for as required in section 21, it shall be the duty of the district committee to report the matter to the provincial committee, and such last-mentioned committee shall thereupon hold such public inquiry as they may think fit, and, if need be, direct the prosecution of any trustee who may reasonably be suspected of having committed a breach of trust.

Powers of trustee to demise temple lands subject to conditions to be prescribed by provincial committee.

29 It shall be lawful for the trustee from time to time or at any time, with the sanction of the provincial committee, and for such rent and subject to such conditions as they shall deem reasonable, to demise for any term not exceeding twenty years, all or any of the lands vested in him under the provisions of this Ordinance, save and except such garden and hena lands as may be reserved for the use of the paravéṇi paṇgu tenants at the discretion of the said committee. The sanction of the provincial committee required by this section shall in every case be in writing, certified under the hand of the president of such committee.

Trustee may sue and be sued, but shall not be personally liable in costs

30 It shall be lawful for the trustee to sue under the name and style of "trustee of (*name temple*)" for the recovery of any property vested in him under this Ordinance or of the possession thereof, and for any other purpose requisite for the carrying into effect the objects of this Ordinance. He shall also be liable to be sued under the same name and style, but shall not be personally liable in costs for any act *bonâ fide* done by him under any of the powers or authorities vested in him under this Ordinance.

Provincial Committees.

Provincial committees.

31 There shall be in each province a committee to be called the provincial committee, consisting of five members, who shall be elected in manner hereinafter provided.

Qualifications of members of provincial committee.

32 In order to be qualified to be elected or to serve as a member of the provincial committee a person must—

(*a*) Be of the male sex;

(*b*) Have completed his twenty-fifth year;

(*c*) Not have been convicted of any infamous crime.

President of district committee of principal district to summon a meeting for the election of provincial committee.

33 On the first Monday after the expiration of one month from the date for which the last of the meetings for the election of district committees within any province shall have been summoned, whether all such committees have been elected or not, or as soon thereafter as may be convenient, a public meeting shall be held at such hour and place as shall be fixed by the president of the district committee of the principal district within such province, for the purpose of electing a provincial committee. Written notice of such meeting and the purpose thereof shall be given by such president to every trustee and to every member of the district committee within such province.

34 The president of the district committee of the principal district, or some member of such committee appointed by the president in writing, shall preside at such meeting, and every trustee of a temple and every member of a district committee within such province shall be entitled to vote thereat, in person or by proxy, in manner following ; that is to say, the trustees shall separately vote for two candidates, and the members of the district committees shall vote for three other candidates, the president in each case recording the votes in separate lists, and having himself, if need be, a casting vote. The two candidates for whom there shall be the largest number of votes on the part of such trustees, and the three candidates for whom there shall be the largest number of votes on the part of such members, respectively, shall be declared duly elected, and the president shall grant to each such candidate a certificate under his hand of such his election.

Mode of election.

Trustees and members of district committees within the province entitled to vote in person or by proxy.

35 If at any election meeting held under the last preceding section any question shall arise as to the right of any person to be elected or to vote, the president shall then and there make such inquiry as he may deem requisite, and decide the question himself, and his decision shall be final and conclusive.

President of meeting to decide questions as to the right of candidates and voters.

36 Every provincial committee elected as hereinbefore provided shall select one of their number to be president of such committee, and shall make rules—

Provincial committee to select a president and to make rules

(*a*) For determining the quorum necessary for the transaction of business and the mode of filling up vacancies in their number ;

(*b*) For regulating the time and place of their meetings and the conduct and record of their proceedings ;

(*c*) For regulating the procedure to be observed in the election of incumbents, and their removal from office ;

(*d*) For assessing the proportion in which each temple within the province shall contribute a share of the expenses incurred in carrying out the provisions of this Ordinance ; and

(*e*) For every purpose necessary to the due exercise of their powers and the performance of their duties under this Ordinance.

Purposes for which rules may be made specified.

The provincial committee of the province in which the district of Kandy shall be included shall, in addition to such rules as aforesaid, make further rules for regulating the election of a diyawadana nilamé, and his removal from office.

Provincial committee of province in which Kandy is included to make further rules as to the election and removal from office of diyawadana nilamé.

Provided always that nothing in this section contained shall authorize the making of any rules at variance with the rights of those who by law or custom are entitled to elect or remove an incumbent or diyawadana nilamé, or of any person who is entitled to succeed to a vacant incumbency by right of pupillary or other mode of succession.

General.

Power of provincial committees to nominate members of district committees.

37 If from any cause no member for any sub-district is elected, the provincial committee shall nominate a person possessed of the qualifications described in section 8 as member for such sub-district, and the person so nominated shall have all the same powers and be liable to the same duties and responsibilities as if he had been duly elected a member under this Ordinance.

Questions to be decided by committees by a majority of votes. President to have a casting vote.

38 All acts whatsoever authorized or required by virtue of this Ordinance to be done by any provincial or district committee shall be decided and done by the majority of members present at any duly convened meeting. Provided that when the votes of the members present in regard to any question shall be equally divided, the president shall, besides his vote as a member, have a casting vote.

Persons accepting office as trustee or member of district or provincial committee bound to serve.

39 Every person who once accepts the office of trustee or of member of any committee under this Ordinance shall be bound to act as such trustee or member, respectively; and any such person who shall, without lawful excuse, refuse to act as such trustee or member, or neglect to attend any meeting of such committee, being a member thereof, or who shall, during the time he continues to be such trustee or member, wilfully neglect or refuse to perform any of the duties imposed upon him by this Ordinance, shall forfeit for such first-mentioned act of refusal the sum of one hundred rupees, and for any other act of neglect or refusal the sum of twenty rupees.

Proviso.

Provided that it shall be lawful for the district committee, upon good and sufficient reasons shown to them, to permit any trustee to resign his office, and for any member of the provincial or district committee to resign his membership.

Vacancy in office of trustee to be filled up by election.

40 If any person elected as trustee or member of any district or provincial committee shall refuse to accept office, or shall resign or die, or shall depart from the island, or shall become bankrupt or insolvent or incapacitated from fulfilling the duties of his office by mental or bodily infirmity or disease, or shall cease to be qualified as required by this Ordinance, then, in the case of such trustee or of any trustee who shall be dismissed under section 16, another trustee shall be forthwith elected in his stead in manner provided in section 17, and in the case of such member the provincial committee shall cause to be elected another member in his stead, in accordance, with any rules made in that behalf under section 12 or section 36, and, in the absence of any such rules, in accordance, as far as may be practicable, with the provisions of this Ordinance, for the election of the first members of a district or provincial committee.

Vacancy in office of committee member to be caused to be filled up by provincial committee.

Proviso.

Provided that in the case of the refusal to accept office, death, incapacity, disqualification, resignation, suspension, dismissal, bankruptcy, insolvency, or departure from the island of any trustee, it shall be competent for the district committee to make provisional arrangements for the performance of the duties of the office pending the election of a

successor, and any person who may be provisionally appointed to act as trustee shall have all the powers and be liable to all the duties of a trustee elected under this Ordinance.

Power to recover possession of property from a suspended or dismissed trustee.

41 Whenever any trustee who has been suspended or dismissed from his office under the provisions of this Ordinance shall hold or occupy as such trustee, either directly or through any other person on his behalf, any movable or immovable property belonging to any temple, and shall neglect or refuse to deliver possession of such property to his successor or any person provisionally authorized by the district committee in that behalf, it shall be competent to such successor, or to the district committee, or the person provisionally authorized by them to apply to the district court for a warrant requiring the said trustee to deliver possession of the property to such successor or to the district committee or other person aforesaid. It shall be competent to such court to issue its warrant to the fiscal or deputy fiscal, and give possession accordingly as if it were a warrant issued in execution of its own decree. And for this purpose the application accompanied by the order of suspension or dismissal duly certified under the hand of the president of the district committee shall be *primâ facie* evidence of the facts stated in the said order, and shall be sufficient authority for the court to act as aforesaid.

Notwithstanding vacancy, remaining committee members shall have power to act.

42 In case of the refusal to accept office, death, incapacity, disqualification, resignation, bankruptcy, insolvency, or departure from the island of any member of any committee established under this Ordinance, and until the appointment of his successor, the remaining members or member of any such committee shall continue to do all and every the acts, matters, and things necessary for carrying into effect the purposes of this Ordinance, anything which may be prescribed in any rules made under this Ordinance relative to the number of members required to form a quorum at any meeting of such committee to the contrary notwithstanding.

Recovery of property improperly alienated.

43 Whenever the provincial committee are satisfied that any property belonging to any temple has been heretofore sold, mortgaged, or otherwise alienated to the detriment of such temple, it shall be the duty of the said committee to cause the trustee to institute legal proceedings to set aside such sale, mortgage, or alienation, and to recover possession of such property.

Proviso.

Provided, that in the absence of collusion between the parties the court in setting aside any sale, mortgage, or alienation shall award to the vendee, mortgagee, or alienee the value of any permanent improvements made by him to or upon such property.

Court may set aside leases.

44 Whenever it is proved to the satisfaction of a competent court that any property of any temple has heretofore been leased—

(*a*) For a longer term of years than is consistent with the interests of such temple ; or

(*b*) On terms showing an improvident alienation ; or

(*c*) For clearly inadequate consideration ; or

(*d*) For the private benefit of the lessor or any of his relatives or servants ; or

(*e*) With a fraudulent intent;

such court shall set aside such lease and restore possession of the property to the trustee entitled to hold the same under this Ordinance.

Proviso.

Provided that when there has been no collusion between the lessor and the lessee in respect of the lease so set aside, the court shall award to the lessee reasonable compensation for permanent improvements to the property effected by him during his tenure of the lease.

District committee may, with approval of provincial committee, divert part of trust fund from one temple to another for educational purposes.

45 Whenever it shall appear to any district committee, when revising any annual estimate of expenditure in respect of any temple, that any sum, or part thereof, which is proposed to be set apart for the promotion of education, may be used to better advantage as a grant-in-aid for educational purposes to any other temple or temples belonging to the same sect of Buddhists within the district, it shall be lawful for such committee, with the approval of the provincial committee, to require the trustee of such first-mentioned temple to pay over to the trustee of such other temple or temples such sum or part thereof for the purposes aforesaid.

Trustee or committee member may be sued in district court for any misfeasance, breach of trust, or neglect of duty by any person interested in a temple.

46 Any person or persons interested in any temple, or in the performance of the worship or of the service thereof, or the trusts relating thereto, may, without joining as plaintiff any of the other persons interested therein, sue before the district court having jurisdiction in the district within which such temple may be situated, any trustee or member of any committee appointed under this Ordinance for any misfeasance, breach of trust, or neglect of duty committed by such trustee or member in respect of the trusts vested in or confided to him respectively ; and such court may direct the specific performance of any act by such trustee or member, and may decree damages and costs against such trustee or member, and may also direct the removal of such trustee or member.

"Interest" required to enable a person to sue defined.

47 The interest required in order to entitle a person to sue under the last preceding section need not be a pecuniary or a direct or immediate interest, or such an interest as would entitle the person to take any part in the management or superintendence of the trusts. Any person having a right of attendance, or having been in the habit of attending at the performance of the worship or service of any temple, or of partaking in the benefit of any distribution of alms, shall be deemed to be a person interested within the meaning of the last preceding section.

No future acquisitions of land to be made by temples without the Governor's license

48 From and after the time when this Ordinance shall come into operation, it shall not be lawful for any temple, or for any person in trust for, or on behalf, or for the benefit of any temple, to acquire any land or immovable property, or any interest in any land or immovable property of the value of fifty rupees or upwards, unless the license of the Governor

under the public seal of the island be obtained. And if any person shall by devise, grant, or conveyance, or otherwise, purport or attempt to vest in any such temple or in any person or persons in trust, for or for the benefit or on behalf of any such temple any land or immovable property, or any interest therein, of the value aforesaid, and such license as aforesaid is not obtained, such land or property or interest shall devolve on, and become vested in, the lawful heir or heirs of such person notwithstanding such devise, grant, or conveyance to the contrary.

Alienation of temple property between the passing of this Ordinance and the appointment of trustee to be null and void.

49 No alienation of movable or immovable property belonging to any temple by sale, mortgage, gift, or otherwise between the date of the passing of this Ordinance and the appointment of a trustee to such temple in manner herein provided, shall be of any force or avail in law, but the same shall be absolutely null and void.

20th March, 1889.

No. 4 of 1889.

An Ordinance to amend "The Land Registration Ordinance, 1877."

(See No. 5 of 1877.)

Preamble.

WHEREAS it is expedient to amend the Ordinance No. 5 of 1877, intituled "The Land Registration Ordinance, 1877:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Construction and short title of Ordinance.

1 This Ordinance shall, so far as is consistent with the tenor thereof, be construed and read as one with the Ordinance No. 5 of 1877, intituled "The Land Registration Ordinance, 1877," and hereinafter referred to as "the principal Ordinance," and this Ordinance may be cited as "The Land Registration Ordinance, 1889."

No action at law to be brought between date of Proclamation under section 5 of Ordinance No. 5 of 1877 and expiration of notice under section 27 of this Ordinance.

2 When any division is brought within the operation of the principal Ordinance by a Proclamation issued under section 5 thereof, any action or proceeding at law heretofore instituted, or which may hereafter be instituted, in any district court or court of requests or before any village tribunal, between the date of such Proclamation and the expiration of the period of six months mentioned in section 27 of this Ordinance—

(*a*) In respect of any title to, or interest in, land situate within such division (except for the realization of a mortgage), when such title or interest can be made the subject of registration; or

(*b*) For the partition or sale, under the provisions of the Ordinance No. 10 of 1863, of any land situate within such division—

shall abate.

Power to registrar to consolidate claims.

3 The registrar may, when he thinks fit, consolidate the claims of one or more persons made in pursuance of the provisions of the principal Ordinance, and the same shall then form the subject of one and the same investigation, and the record of all evidence, whether oral or documentary, taken by the registrar at such investigation shall be filed with any one of the statements of the claims so consolidated as aforesaid ; and the finding or decision on each of such claims, and his reasons therefor, and all orders of the registrar in relation thereto, shall be duly entered on the said record, anything in the principal Ordinance to the contrary notwithstanding.

Claim of married woman on behalf of husband.

4 The registrar may, when he thinks fit, in respect of property held in community by a husband and wife, allow the wife to prefer a claim for and on behalf of her husband ; and such claim when made may be dealt with in manner provided by the principal Ordinance as if such claim had been made personally by the husband or by his agent.

Power to registrar to accept claims at the investigation although not previously received or recorded.

5 At any investigation of disputed or undisputed claims, the registrar may, if he thinks fit, and he shall, when the other claimants consent thereto, receive and record any claim made by any person to or in respect of any land which has not previously been received or recorded under the provisions of the principal Ordinance. And every such claim so received and recorded as aforesaid shall be dealt with and disposed of in the same manner and subject to the same provisions as set forth in the principal Ordinance in respect of claims made under the 8th section thereof.

Power to registrar to issue writs of possession.

6 When the registrar shall have recorded, under section 12 of the principal Ordinance, on the statement of claims whether the title to the land or interest claimed is one of the first class or of the second class, or when the registrar shall have determined and decided upon the respective claims of the parties and recorded on the statement of claims whether the title made out is one of the first class or of the second class under the provisions of section 14 of the principal Ordinance, every claimant whose claim has been upheld, or his agent, may apply to the registrar for a writ of possession as against the unsuccessful claimant or claimants, and the registrar may at his discretion order such writ to issue as near as material in the form A in schedule I. hereto, upon the applicant giving such security as shall be determined by the registrar, and such writ shall be enforced according to the terms thereof by the fiscal, in the same manner as if such writ was issued by a district court.

Proviso.

Provided that in any case in which an appeal is allowed to the Supreme Court under the 21st section of the principal Ordinance, no writ of possession shall issue before the expiry of the time allowed for such appeal, and that in the event of an appeal being taken the registrar may, after the Supreme Court has made order thereon, issue a writ of possession in conformity with such order.

Procedure in event of resistance to execution of writ of possession.

7 If in the execution of a writ of possession issued under section 6 the officer charged with the execution of the writ is resisted or obstructed by any person, or if after the officer has delivered possession the person placed by the officer in possession is hindered by any person in taking complete and effectual possession, the person in whose favour the writ of possession has issued, or his agent, may at any time within one month from the time of such resistance or obstruction, complain thereof to the registrar, and the registrar shall appoint a day for the determination of the complaint, and intimate to the person obstructing the writ that he will be heard in opposition to the petitioner if he appears before the registrar for that purpose on the day so appointed.

Punishment of person obstructing execution of writ of possession.

8 On the hearing of the matter of the petition of complaint so made, the registrar, if he is satisfied that the obstruction or resistance complained of was occasioned by one or more of the unsuccessful claimants, or by some person at his or their instigation, may sentence such unsuccessful claimant or claimants, or the person acting on the instigation of such unsuccessful claimant or claimants, to imprisonment for a term not exceeding thirty days, and direct the person in whose favour the writ of possession issued to be put in possession of the property.

Claims to property seized to be reported by fiscal and investigated by registrar.

9 If in the execution of a writ issued by the registrar any claim is preferred to, or objection offered against, the seizure or sale of any immovable or movable property which may have been seized thereunder as not liable to be sold, the fiscal or deputy fiscal shall, as soon as the same is preferred or offered, as the case may be, report the same to the registrar, and the registrar shall thereupon proceed in a summary manner to investigate such claim or objection, and shall record the evidence, whether oral or documentary, taken at such investigation, in a separate file ; and his finding or decision thereon, and his reasons therefor, and his orders in relation thereto, shall be duly entered on the said record. And the record so made up shall be open at all reasonable times, upon application in writing first being made to the registrar, to the inspection of any party interested in such investigation, or his duly authorized counsel or agent, who shall be entitled to copies of such record or any part thereof to be made at the expense of the party applying for the same.

Registrar may stay sale.

10 If the property to which the claim or objection applies shall have been advertised for sale, the sale may (if it appears to the registrar necessary) be postponed for the purpose of making the investigation mentioned in the preceding section. Provided that no such investigation shall be made if it appears to the registrar that the making of the claim or objection was designedly and unnecessarily delayed with a view to obstruct the ends of justice.

Claimant to adduce evidence.

11 The claimant or objector must on such investigation adduce evidence to show that at the date of the seizure he had some interest in, or was possessed of, the property seized.

Discretion of registrar to release the property claimed.

12 If upon the said investigation the registrar is satisfied that for the reason stated in the claim or objection such property was not, when seized, in the possession of the person against whose property the writ was issued, or of some person in trust for him, or in the occupancy of a tenant or other person paying rent to him, or that, being in the possession of the person against whose property the writ issued, at such time it was so in his possession, not on his own account or as his own property, but on account of, or in trust for, some other person, or partly on his own account and partly on account of some other person, the registrar shall pass an order releasing the property wholly, or to such extent as he thinks fit, from seizure.

Registrar may disallow the claim.

13 If the registrar is satisfied that the property was at the time it was seized in possession of the person against whom the writ issued as his own property, and not on account of any other person, or was in possession of some other person in trust for him, or in the occupancy of a tenant or other person paying rent to him, the registrar shall disallow the claim.

Appeal to the Supreme Court from finding of the registrar.

14 If any party to any petition of complaint or to any investigation into any claim or objection against the execution of a writ be dissatisfied with any finding, decision, order, or sentence of the registrar given in respect of such petition of complaint or such investigation, he may within ten days after the pronouncing thereof appeal to the Supreme Court; and the registrar shall without delay forward to the said court the record so made up as aforesaid, and the said court shall make such order as the justice of the case may require; and such order as shall be made by the Supreme Court under this section the registrar shall duly carry into effect. Every such appeal shall be dealt with and disposed of in the same manner and subject to the same rules as appeals from orders of district courts are dealt with and disposed of.

Proviso.

Provided, however, that no appeal shall be so forwarded as aforesaid unless the appellant shall, within ten days from the date of such appeal, give security for the costs of the hearing or investigation and of the appeal, the amount whereof shall be fixed by the registrar.

Proviso.

Provided also that no appeal from any sentence of the registrar shall have the effect of staying the execution of such sentence, unless the appellant shall enter into a recognizance with or without sureties, as the registrar shall consider necessary, to appear and abide by the judgment of the Supreme Court upon the appeal.

Certificate to issue in name of deceased claimant.

15 In case a claimant shall die in the interval between the date of his claim being upheld under the principal Ordinance and the date on which the certificate of title shall be issued, the certificate shall be issued in the name of the claimant, and the land shall devolve in like manner as if the certificate had been issued prior to the death of the claimant.

16 Every person or persons partitioning any land after the investigation of the claims to it by the registrar has terminated, shall forthwith furnish information respecting such partition to the registrar, and shall deposit with that officer a map of such land. The map shall exhibit distinctly every allotment into which the land has been divided, marked with distinct numbers or symbols, and show the areas, and shall be declared to be accurate by a declaration of a licensed surveyor, in the form B in schedule I. hereto.

Communication of partition to registrar.

No person shall be permitted to practise as a surveyor under this Ordinance or the principal Ordinance unless he shall have obtained a license from the Surveyor-General in the form C in schedule I. hereto; and in every case in which it may be necessary in the opinion of the Surveyor-General to test the competency of an applicant for a license by an examination to be conducted by the Surveyor-General or under his directions, the Surveyor-General shall be entitled to demand and receive a fee of twenty rupees for every such examination. All such fees shall be accounted for and appropriated as the Governor may from time to time direct.

Surveyor.

17 If at the time any partition shall be made under the provisions of the principal Ordinance an undivided share only of the land, and not the whole thereof, shall be subject to mortgage, the right of the mortgagee shall be limited to the share in severalty allotted to his mortgagor by and under the same conditions, covenants, and reservations as shall be stipulated in the mortgage bond, so far as the same shall apply to a share in severalty, and the owner of the share in severalty so subject to mortgage shall, without a new deed of mortgage, warrant and make good to the mortgagee the said several part after such partition as he was bound to do before such partition.

Effect of partition when property is subject to mortgage.

18 If at the time any partition shall be made under the provisions of the principal Ordinance the property shall be held under any lease, the tenant thereof, or of any part thereof, before such partition was made, shall be tenant of such part set out severally to the respective owners thereof, by and under the same conditions, rents, covenants, and reservations as they held by and under, before such partition; and the owners of the several parts so divided and allotted as aforesaid shall, without any new deed of lease, warrant and make good to the said tenant or tenants the said several parts severally, after such partition as they were bound to do before such partition.

Effect of partition when property is subject to lease.

19 Every person entitled to a certificate of ownership under section 28 of the principal Ordinance shall, before the same is issued to him, deposit with the registrar every deed or instrument affecting the land referred to in the certificate.

Surrender of title deed on issue of certificate of ownership.

Upon issuing a certificate of ownership the registrar shall endorse on every deed or instrument so deposited as aforesaid the nature of the certificate which has been issued in respect of the land described in the said deed or instrument. If any such deed or instrument shall relate to or include

any property other than the land included in the certificate, the registrar shall return such deed or instrument to the person who deposited the same, but otherwise he shall retain such deed or instrument in his office ; and no person shall be entitled to the inspection of any deed or instrument so retained, except upon the personal application or written order of the person who deposited the same, or any person or persons claiming through or under him or upon the order of some competent court.

Cancellation of certificate which has been superseded.

20 Upon the recovery of any land or interest therein, by any proceeding at law, from the holder of any certificate of title, the court shall recall and cancel every such certificate of title, and direct the registrar to cancel or correct any entry in the register book relating to such certificate of title ; and the registrar shall give effect to such order and issue an amended certificate of title whenever necessary.

Power of registrar to correct errors.

21 The registrar shall, upon such evidence as shall appear to him sufficient in that behalf, correct errors in any certificate of title or in the register book, or entries made therein respectively, and supply omitted entries. Provided that, in the correction of any such error, he shall not erase or make illegible the original words, and shall affix the date on which such correction was made or entry supplied, and his initials.

Every certificate of title or entry so corrected or supplied shall have the like validity and effect as if such error had not been made or such entry omitted, except as regards any deed or instrument which may have been registered previous to the actual time of correcting the error or supplying the omitted entry.

Registrar may issue summons for the purpose of cancelling certificate of title.

22 In case it shall appear to the satisfaction of the registrar that any certificate of title has been issued in error or contains any misdescription of land or of boundaries, or that any entry in any certificate of title has been made in error, or that any certificate of title or entry has been fraudulently or wrongfully obtained, or that any certificate of title is fraudulently or wrongfully retained, he may summon the person to whom such certificate of title has been so issued, or by whom it has been so obtained, or is retained, or any person in whose possession such certificate may be, to deliver up the same for the purpose of being cancelled or corrected, or for the substitution and issue of such certificate of title as the circumstances of the case may require.

Registrar may apply to court to compel delivery of certificate of title.

23 In case such person cannot be served with such summons, or he shall refuse or neglect to comply with such summons, the registrar may apply to the district court having jurisdiction with respect to the land for which the certificate of title issued, to issue a summons for such person to appear before the court and show cause why such certificate of title should not be delivered up to be cancelled or corrected ; and if such person, when served with such summons, shall neglect or refuse to attend before such court

at the time therein appointed, it shall be lawful for such court to issue a warrant authorizing and directing the person so summoned to be apprehended and brought before the court for examination.

24 Upon the appearance before the court of any person summoned or brought up by virtue of a warrant as aforesaid, it shall be lawful for the court to examine such person upon oath and to order him to deliver up such certificate of title, and upon refusal or neglect of such person to deliver up the same pursuant to such order, to commit him to jail for any period not exceeding six months, unless such certificate of title shall be sooner delivered up.

Court may order delivery of certificate of title.

In such case, or in case a summons or warrant by the court cannot be served, the court may direct the registrar to cancel or correct any entry in the register book relating to such land, and to substitute and issue such certificate of title and make such entries as the circumstances of the case may require, and the registrar shall give effect to such order.

Court may direct registrar to cancel certificate of title.

25 Every person who has acquired by purchase or otherwise the right, title, or interest in or to any land from a claimant subsequently to such claimant having delivered a statement of his claim or stated such claim to the registrar, and prior to the investigation of such claim by the registrar, shall personally or by his agent notify to the registrar his acquisition, and shall make his claim in writing or shall state verbally the particulars of his claim, and the registrar shall record in writing, and the claimant or his agent shall sign, such particulars in manner provided in the principal Ordinance ; and the registrar, when satisfied that the person so notifying his acquisition has become legally entitled to the right, title, or interest of the original claimant to the land, shall proceed to investigate and decide the claim in manner provided by the principal Ordinance as if such person had originally stated his claim under the principal Ordinance.

Power to registrar to substitute name or person acquiring original claimant's interest in lieu of original claimant.

26 When the registrar has, under the provisions of the 26th section of the principal Ordinance, registered the lands situate in any division in a book bearing the name of such division or of the village or district wherein it is situated, all subsequent alienations or incumbrances affecting any right to or interest in any such lands as, under the said section, shall have been registered in the said book, shall be registered by the registrar or registrars of lands in such book, and not in the books mentioned in the 37th section of the Ordinance No. 8 of 1863.

When lands registered under section 26 of Ordinance No. 5 of 1877, all subsequent alienations and incumbrances to be registered in same book.

27 The following enactment shall be substituted for section 22 of the principal Ordinance, which is hereby repealed :

Repeal of section 22 of Ordinance No. 5 of 1877.

So soon as the registrar shall have completed his inquiries respecting the lands in any division, he shall prepare a notice calling upon all persons who may assert a right adverse to that of any of the claimants whose claims have been upheld

by him, to assert such right within six months from the date thereof ; and every such notice shall be as near as may be in the form D in schedule I. hereto annexed.

Whenever in any section of the principal Ordinance or any other Ordinance reference is made to the 22nd section of the principal Ordinance, the same shall be taken and read as though the foregoing substituted enactment had been referred to therein.

Notary to ascertain number of allotments of land and insert same at head of deed.

28 It shall be the duty of every notary, from and after the expiration of the said period of six months, before attesting any deed or instrument affecting any land or any interest in land the title to which has been registered under the provisions of the principal Ordinance—

(*a*) To ascertain the number of the allotment of such land in the registered plan, and to insert such number at the head of the deed or instrument attested by him ; and

(*b*) To cause to be registered under the provisions of the law in that behalf every such deed or instrument attested by him ; and for that purpose he shall be entitled to demand and receive before attestation from the person at whose instance he prepares such deed or instrument the stamp duty payable for such registration, and to refuse to attest such deed or instrument if such stamp duty shall not have been paid.

If any notary shall neglect or fail to perform the duty imposed on him by this section, he shall be guilty of an offence, and shall be liable to a penalty not exceeding two hundred rupees. Provided that no deed or instrument shall be held to be invalid in consequence of the non-performance by the notary of the foregoing duty.

Repeal of sections 20 and 47 and part of section 23 of Ordinance No. 5 of 1877.

29 The words "list and" in the 23rd section of the principal Ordinance and sections 20 and 47 of the said Ordinance shall be and the same are hereby repealed.

Amendment of section 6 of Ordinance No. 5 of 1877.

30 In section 6 of the principal Ordinance, the words "or court of requests" shall be inserted before the words "for the partition or sale of any land"; and the said section shall be read and construed accordingly.

Costs.

31 It shall be lawful for the registrar at the hearing of the matter of a petition of complaint under section 8, or at any investigation held under section 9 or 22, to determine by whom the costs of the hearing or investigation shall be payable, and to tax the amount of such costs ; and such costs shall be recoverable in manner provided by section 14 of the principal Ordinance.

Plans may be signed by officer authorized thereto by Surveyor-General.

32 The plan and description of the allotment of land referred to in any certificate issued under section 30 of the principal Ordinance may be signed either by the Surveyor-General or by any officer of his department specially authorized thereto in writing by the Surveyor-General.

33 The rules appearing in schedule II. hereto annexed shall regulate the practice and procedure of the registrar in the matters therein provided; and the Governor in Executive Council may from time to time make such other rules not inconsistent with this or the principal Ordinance as may be necessary— Rules.

(*a*) For the guidance of the registrar in dealing with and disposing of claims, and in all other matters relating to the investigation of claims and registration of titles and recovery of costs, damages, moneys, and expenses, and to appeals from the registrar not otherwise provided for in this or the principal Ordinance;

(*b*) For regulating the practice and procedure to be observed by fiscals in the execution of writs of execution against property and person and by the registrar in matters arising therefrom; and

(*c*) For every other purpose necessary for effectually carrying out the several provisions of this and of the principal Ordinance.

SCHEDULE I.

A.—Form of Writ of Possession.

In the matter of the claim of ———, of ———, and others, under "The Land Registration Ordinances, 1877 and 1889."

Registration Plan No. ——.

——— Pattu } ——— { ——— District.
——— Kóralé } { ——— Province.

A. B.—Statement of claim No. ——.
C. D.—Statement of claim No. ——.
E. F.—Statement of claim No. ——.

To the Fiscal of the ——— Province.

Whereas by an order dated the ——— day of ———, 18—, the registrar upheld the claim of *A. B.*, of ———, claimant under "The Land Registration Ordinances, 1877 and 1889," as against *C. D.*, of ———, and *E. F.*, of ———, to the land ———, No. ———, in registration plan No. ———, bounded ———.

These are to command you that without delay you enter the said land and cause the said *A. B.* to have possession of the said land and premises, or such person as he shall authorize to receive possession of the same, and if need be remove the said *C. D.* and *E. F.* and any person claiming under both or either of them.

You are further commanded to return this writ on or before the ——— day of ———, 18—, with an endorsement showing the day on, and the manner in which it has been executed, or the reason why it has not been executed.

(Signed) *A. B.*,
Registrar.

The ——— day of ———, 18—.

B.

In the matter of "The Land Registration Ordinances, 1877 and 1889," and in the matter of the partition of land No. ——, registration Plan No. ——.

I, ————, solemnly and sincerely declare and affirm as follows:

I am a surveyor specially licensed by the Surveyor-General of the Island of Ceylon for the purposes of "The Land Registration Ordinances, 1877 and 1889."

The plan now produced and shown to me (marked A) is a true and correct survey of the land No. ————, registration plan No. ————; and I have truly and correctly delineated thereon its areas, boundaries, and allotments, and the area of each allotment into which the said land has been subdivided and partitioned.

And I make this solemn declaration conscientiously believing the same to be true.

The ———— day of ————, 18 —. (Signed) *A. B.*

C.—Surveyor-General's License.

In the matter of "The Land Registration Ordinances, 1877 and 1889.'

I, ————, Surveyor-General of the Island of Ceylon, being satisfied of his competency in that behalf, do hereby authorize and license ————, of ————, to practise as a surveyor under "The Land Registration Ordinances, 1877 and 1889."

The ———— day of ————, 18 —. Surveyor-General.

D.—Final Notice to Claimants.

Registration Plan No. ——.

———— Pattu } ———— { ———— District.
———— Kóralé } { ———— Province.

All persons having or pretending to have any claim to any of the lands situated in ———— aforesaid, and asserting a right adverse to that of any of the claimants whose claims have been upheld by the registrar, are hereby required to prefer their claims before the registrar within six months from the date hereof.

The ———— day of ————, 18 —. Registrar.

SCHEDULE II.

1. When a day is fixed for the investigation and hearing of a disputed claim, the claimants or their agents shall deliver to the registrar a list of their witnesses and of their documentary evidence, and no witness shall be called nor any document admitted at the investigation other than those appearing in such list, unless the registrar, on cause shown, shall see fit to direct otherwise. Provided that it shall be competent for any such claimant or agent as aforesaid, instead of delivering such list in writing, to appear in person before

the registrar and to state verbally the names of the witnesses and to specify the documents intended to be relied on, and the registrar shall record the same in writing, which shall be signed by the claimant or his agent.

2. If any claimant or his agent fails to appear on the day fixed for the investigation of any undisputed claim, and no good and sufficient cause is shown for such absence, it shall be lawful for the registrar to make an order that the claim do abate, or such other order as he may deem fit.

3. If any claimant or his agent fails to appear on the day fixed for the investigation of disputed claims, and no good and sufficient cause is shown for such absence, it shall be lawful for the registrar to proceed with the investigation and to determine and decide upon the respective claims of the parties, or to make such order as he may deem fit.

4. In case of the death of a claimant, it shall be lawful for the registrar, on the application of the legal representative of the deceased, or his agent, to make an order that his name be substituted in the statement of claim in the place of such claimant, and thereupon to proceed with the investigation of the claim.

5. If no application be made to the registrar by any person claiming to be the legal representative of a deceased claimant, the registrar may examine such person or persons as he deems necessary for the purpose of ascertaining the name of the legal representative of the deceased, and thereupon issue a summons to such person to appear on a day to be therein mentioned.

6. If the person so summoned appears in person or by his agent and makes application as aforesaid, it shall be lawful for the registrar to substitute his name in the statement of claim in the place of the deceased, and to proceed with the investigation of the claim.

7. If the person so summoned appears in person or by his agent, but does not make application as aforesaid, or neglects to appear and does not account for his absence, and the summons is reported to have been duly served on him, the registrar shall make an order that the claim do abate.

8. In the event of any dispute arising as to who is the legal representative of a deceased claimant, it shall be competent to the registrar to decide, as between the persons before him, who shall be admitted to be such legal representative for the purpose of being substituted in the place of the deceased, and this question shall in such case be dealt with and disposed of by the registrar as an issue preliminary to the investigation of the merits of the claims.

9. When a petition of appeal has been received by the registrar under the principal Ordinance, the appellant shall forthwith give forty-eight hours' notice to the respondent that he will, on a day to be specified in such notice, and within a period of ten days of the date of such appeal, tender security for the costs of the investigation and of the appeal, the amount whereof shall be fixed by the registrar; and on such day the claimants or their agents so noticed shall be heard to show cause, if any, against such security being accepted. And in the event of such security being accepted, the registrar shall forward to the Supreme Court the record made up as provided by the aforesaid section.

10. The security to be required from a party appellant shall be by bond with one or more good and sufficient surety or sureties, or shall be by way of mortgage of immovable property or deposit and hypothecation by bond of a sum of money sufficient to cover the amount fixed by the registrar.

11. If any document produced before the registrar in proof of any claim is written in the Sinhalese or Tamil language, a correct translation thereof shall be furnished by the party producing the same to accompany the original. No such translation shall be read unless the same shall be signed by an interpreter of the Supreme Court, or by a Government or district court sworn translator, or by a sworn translator appointed by the registrar.

12. Every person so appointed by the registrar shall, before he enters upon the duties of his office, receive a certificate from the registrar that he is competent to fulfil the duties of a translator, and take an oath before a justice of the peace faithfully to perform the duties of his office.

13. For every folio or fractional part of a folio of 120 words there shall be payable a fee of 12½ cents for every copy or extract of claims or of the record of evidence, and a fee of 33 cents for every translation of any document.

20th March, 1889.

No. 5 of 1889.

An Ordinance for the suppression of Brothels.

Preamble.

WHEREAS it is expedient to provide for the suppression of brothels: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Offences.

1 Any person who—

(1) Keeps or manages or acts or assists in the management of a brothel; or

(2) Being the tenant, lessee, or occupier of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or for the purpose of habitual prostitution; or

(3) Being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof as a brothel;

shall be guilty of an offence, and shall on conviction be liable—

Penalties.

(1) To a penalty not exceeding two hundred rupees, or, in the discretion of the court, to simple or rigorous imprisonment for any term not exceeding three months;

(2) On a second or subsequent conviction to a penalty not exceeding four hundred rupees, or, in the discretion of the court, to simple or rigorous imprisonment for any term not exceeding six months;

(3) And in case of a third or subsequent conviction such person may, in addition to such penalty or imprisonment as last aforesaid, be required by the court to enter into a recognizance, with or without sureties as to the court seems meet, to be of good behaviour for any period not exceeding six months, and in default of entering into such recognizance, with or without sureties (as the case may be), such person may be sentenced to simple or rigorous imprisonment for any period not exceeding three months in addition to any such term of imprisonment as aforesaid.

Who shall be deemed keeper or manager of a brothel.

2 Any person who shall appear, act, or behave as master or mistress, or as the person having the care, government, or management of any brothel, shall be deemed and taken to be the keeper or manager thereof, and shall be liable to be prosecuted and punished as such, notwithstanding that he or she shall not in fact be the real keeper or manager thereof.

Offences triable by police court and to be non-cognizable and bailable.

3 All offences under this Ordinance shall be "non-cognizable" and "bailable" within the meaning of those terms as defined in "The Criminal Procedure Code, 1883," and shall be tried in the police court, which is hereby empowered to award all or any of the punishments hereinbefore provided, anything in section 16 of the said Code to the contrary notwithstanding.

28th June, 1889.

No. 6 of 1889.

An Ordinance to repeal the Ordinance No. 11 of 1846.

Preamble.

WHEREAS by Ordinance No. 11 of 1846 certain persons, to wit, George Crabbe, James Smith, and Joseph Read, were appointed trustees of the carriage road leading from Kadugannáwa to a point on the Gaḍadessa river, adjoining the Gaḍadessa estate, made by the proprietors of the several estates in schedule A to the said Ordinance mentioned, and were thereby authorized and empowered to put up, erect, and build in, upon, or across the said road, at such place as they should judge necessary, such toll gate or toll bar as to them should appear necessary for the purpose of collecting certain tolls in schedule B to the said Ordinance mentioned and set forth, to be applied as well towards the keeping the said road in good order and repair for the use of such proprietors as towards the other purposes in the said Ordinance mentioned: And whereas no tolls have for many years been collected as in the said Ordinance provided, and all the estates in the said schedule

A mentioned have long since been abandoned by the proprietors thereof, and the said road has fallen into disrepair, and all the said trustees have long since died or left the island, and no persons have been elected as trustees in their place, and it has therefore become impossible to carry into effect the provisions in the said Ordinance with reference to such tolls as aforesaid prescribed: It is therefore hereby enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Repeal of Ordinance No. 11 of 1846.

That from and after the first day of January, 1890, the said Ordinance No. 11 of 1846 shall be of no force or effect whatsoever, and the said carriage road leading from Kadugannáwa to a point on the Gaḍadessa river, adjoining the Gaḍadessa estate, and all toll gates, toll bars, and other buildings put up, erected, or purchased by the said trustees for the collection of tolls thereon, and any land purchased or acquired by the said trustees under the provisions of the said Ordinance, shall thereafter become absolutely vested in the Crown.

28th June, 1889.

No. 7 of 1889.

An Ordinance amending the Law relating to Vagrants.

(*See No. 4 of 1841.*)

Preamble.

WHEREAS it is expedient to amend the law relating to vagrants: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Interpretation of "idle and disorderly person" extended.

1 Whoever in or upon any wharf, jetty, street, road, walk, passage, verandah, or other place used by, or accessible to, the public, persistently and without lawful excuse follows, accosts, or addresses by words or signs any person against his will and to his annoyance, shall be deemed to be "an idle and disorderly person" within the meaning of the Ordinance No. 4 of 1841, intituled "An Ordinance to amend the Laws relating to Vagrants," and shall, on conviction, be liable to the several pains and penalties provided in the said Ordinance.

Police officer may arrest without a warrant.

2 A police officer may arrest without a warrant every such idle and disorderly person.

To be read with Ordinance No. 4 of 1841.

3 This Ordinance shall be read as one with the Ordinance No. 4 of 1841.

28th June, 1889.

No. 8 of 1889.

An Ordinance relating to Quarries.

(See No. 7 of 1876, No. 7 of 1887, and No. 9 of 1887.)

WHEREAS it is expedient that due provision should be made to regulate the working of quarries within any town where a municipal council or local board is established: It is hereby enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 This Ordinance may be cited for all purposes as "The Quarries Ordinance, 1889."

Short title.

2 In this Ordinance—

"Quarry" includes any quarry from which rock, stone, cabook, or gravel is obtained;

"To open, work, or use a quarry" means and includes any act whatsoever whereby the soil or any rock, stone, cabook, or gravel three feet below the surface of any land is disturbed, dug, blasted, removed, carried, or otherwise dealt with for the purpose of obtaining rock, stone, cabook, or gravel.

Interpretation clause.

3 It shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation to be published in the *Government Gazette*, to declare that the provisions of this Ordinance shall apply to any town where a municipal council or local board of health and improvement is or shall be established; and this Ordinance shall come into operation in such town at such time as shall be appointed by such Proclamation.

Ordinance not to come into operation in any town until Proclamation in the *Gazette*.

4 It shall not be lawful for any person other than a person duly licensed as hereinafter provided to open, work, or use any new or existing quarry within the limits of any town to which the provisions of this Ordinance shall have been so declared to apply as aforesaid.

Working, using, or opening quarries without a license illegal.

The limits of each town to which this Ordinance shall be made to apply by any Proclamation issued under section 2 shall be taken to be the same as the limits defined for the purposes of the Ordinances No. 7 of 1876, No. 7 of 1887, or No. 9 of 1887, unless such limits shall be expressly altered by such Proclamation.

5 In any such town where a municipal council or local board of health and improvement is or shall be established, the chairman of such council or local board may grant licenses for the opening, working, or using of any quarry.

Chairman of municipal council or local board may grant licenses.

The licenses shall be substantially in the forms set out in the schedule hereto annexed, and shall continue in force from the day on which they are respectively granted till the thirty-first day of December then next ensuing.

Form and duration of licenses.

6 The chairman of a municipal council or local board of health and improvement authorized to grant licenses under this Ordinance may, at his discretion, refuse to grant any license which may be applied for, or may attach such

Conditions may be attached to licenses.

conditions thereto, and take such security for the fulfilment of such conditions, as he may deem expedient; and may revoke any such license in the event of any of such conditions not being fulfilled.

Licenses may be revoked.

Penalty for breaches of Ordinance.

7 Any person who shall open, work, or use, or suffer or permit to be opened, worked, or used any quarry in breach of, or in any way contrary to, any of the provisions of this Ordinance, or otherwise than in accordance with the license in that behalf granted under this Ordinance, shall be guilty of an offence, and be liable on the first conviction to a fine not exceeding fifty rupees, or to rigorous imprisonment not exceeding three months, or both; and on every subsequent conviction to a fine not exceeding one hundred rupees, or to rigorous imprisonment not exceeding six months, or both.

Institution of prosecution.

8 No prosecution shall be entertained for any offence under this Ordinance unless instituted within six months from the date of the commission of the offence.

Prosecutions and fines.

9 All prosecutions under this Ordinance within any town where a municipal council is or shall be established may be instituted in the court of the municipal magistrate.

All fines recovered under this Ordinance within any town where a municipal council is or shall be established shall be paid into the municipal fund, and all fines recovered in any town where a local board of health and improvement is or shall be established shall be paid into the local fund.

Ordinance No. 27 of 1884 unaffected.

10 Nothing in this Ordinance contained shall be deemed in any way to affect the operation of "The Wells and Pits Protection Ordinance, 1884."

SCHEDULE.

1.—License to Work an Existing Quarry.

I, ———, Chairman of the Municipal Council of ——— (*or* Chairman of the Local Board of Health and Improvement of ———, *as the case may be*), do hereby license *A. B.* to work and use a (*describe nature of*) quarry, situated at ———; bounded on the north by ———, on the south by ———, on the east by ———, on the west by ———, subject to the following conditions: (*here insert the conditions, if any*).

Given at ——— this ——— day of ———, 18—.

———

——— Chairman of ———.

2.—License to Open a New Quarry.

I, ———, Chairman of the Municipal Council of ——— (*or* Chairman of the Local Board of Health and Improvement of ———, *as the case may be*), do hereby license *A. B.* to open, work, and use as a (*describe nature of*) quarry the land called ———, situated at ———; bounded on the north by ———, on the south by———, on the east by———, on the west by———, subject to the following conditions: (*here insert the conditions, if any*).

Given at ——— this ——— day of ———, 18—.

———

Chairman of ———.

14th August, 1889.

No. 9 of 1889.

An Ordinance relating to the sale by retail of Opium and Bhang within the Colombo Municipality.

(See No. 4 of 1878 and No. 7 of 1887.)

Preamble.

WHEREAS it is expedient to amend in certain respects "The Opium and Bhang Ordinance, 1878," so far as it applies to the Colombo Municipality: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

To be read as one with the Ordinance No. 4 of 1878.

1 This Ordinance and the Ordinance No. 4 of 1878, hereinafter referred to as "the principal Ordinance," shall be read as one Ordinance.

Section 7 of the principal Ordinance not to apply to retail licenses within the Colombo Municipality; such licenses shall be issued only as provided in this Ordinance.

2 From and after the date at which this Ordinance shall come into operation, the provisions of section 7 of the principal Ordinance relating to the granting of licenses to sell by retail opium and bhang, and the fees to be paid for such licenses, shall not apply to the Colombo Municipality; and licenses to sell by retail opium and bhang within the limits of the said municipality shall be granted only as herein provided.

Number of licenses and conditions to be attached thereto to be annually published.

3 The chairman of the municipal council of Colombo shall, on or before the thirty-first day of October in each year, cause to be published twice at least in the *Government Gazette* and in one or more of the local newspapers a notice declaring the number of licenses for the sale by retail of opium and bhang within the limits of the said municipality which shall be granted for the year commencing the first day of January then next. The number of such licenses so to be granted shall be in the discretion of the said council, but shall in no case exceed ten for any one year.

Each license shall apply only to one house, shop, or place.

4 Every such license shall entitle the licensee both to sell by retail opium and bhang and to possess at one time opium in any quantity not exceeding fifty pounds in weight, but at one house, shop, or place only, and shall be substantially in the form set out in the schedule to the said principal Ordinance, with such alterations and additions as the circumstances require, provided that in every case the locality of the said house, shop, or place shall be clearly defined in the said license.

Notice to fix date for sale by auction.

5 By the notice so to be published as aforesaid, the said chairman shall fix a date and place at which such licenses shall be put up to sale by public auction, and shall notify the conditions, if any, under which such licenses shall be issued. It shall be in the discretion of the said chairman to fix an upset price at which each such license shall be put up; and in the event of no bid over the upset price being offered, the said chairman shall be at liberty in his discretion from time to time to postpone any such sale.

Sales to be for ready money.

6 Every such sale shall be for ready money only ; and if the highest bidder on being declared the purchaser shall not forthwith pay down the amount of his bid, the chairman may in his discretion either declare the next highest or any other bidder the purchaser, or forthwith put up the license for resale.

Issue of license.

7 Immediately after any bidder is declared the purchaser of any license, the said chairman shall issue a license in the form above mentioned to the purchaser. But it shall be lawful for the said chairman in his discretion to refuse to issue any such license, and in case of such refusal the purchase-money so paid shall be refunded to the purchaser, and the license shall be resold either at once or at such future time as the said chairman shall appoint.

Resale at risk of purchaser.

8 In the event of any such resale as in section 6 mentioned realizing a smaller amount than that at which the highest bidder at the previous sale had been declared the purchaser, such highest bidder shall be liable for the difference, which shall be recoverable by action in the court of requests of Colombo notwithstanding the amount may exceed the sum of one hundred rupees.

Commencement.

9 This Ordinance shall come into operation at such time as the Governor shall appoint by Proclamation* in the *Government Gazette.*

8th October, 1889.

No. 10 of 1889.

An Ordinance relating to the Expenses attendant upon the Conviction, or the Acquittal on the ground of Insanity, of Natives and Residents of Ceylon in a Foreign Country under the Foreign Jurisdiction Acts.

Preamble.

WHEREAS it is expedient to provide for the proper incidence of the expenses arising out of the trial and the conviction, or the acquittal on the ground of insanity, of persons who are natives of, or ordinarily resident in, this colony, when such persons have been tried by courts exercising jurisdiction out of Her Majesty's dominions under the Imperial Foreign Jurisdiction Acts : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

The expenses attending conviction, or acquittal on the ground of insanity, of natives or

1 If a person who is a native of, or ordinarily resident in, this colony commits an offence in a foreign country in which Her Majesty exercises jurisdiction over British subjects, and is either convicted, or is acquitted on the ground of insanity, by a competent court acting under the Imperial Foreign Jurisdiction Acts in such country, the expenses of his

* Proclaimed the 14th day of October, 1889.

removal to the place in which he is to undergo his sentence or be confined as a criminal lunatic, and of his maintenance during his imprisonment or confinement, as the case may be, and any other expenses incident to his conviction, or to his acquittal on the ground of insanity, shall, as far as such expenses cannot be met out of the effects of such person under order of the court before which his trial takes place, be borne by the Government of this colony and paid out of the general revenue thereof.

residents of Ceylon by courts exercising jurisdiction in foreign countries under the Foreign Jurisdiction Acts to be paid out of general revenue.

2 This Ordinance shall come into operation at such time as the Governor shall, by Proclamation to be published in the *Government Gazette*, appoint.

Commencement.

8th October, 1889.

No. 11 of 1889.

An Ordinance relating to Volunteers.

(*See No. 3 of 1861 and No. 10 of 1861.*)

WHEREAS it is expedient to exempt persons enrolled in any volunteer corps in this island from the liability to labour or to pay any tax in labour or in money in commutation of such labour: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 In this Ordinance "local authority" shall mean the district committee, municipal council, or local board authorized by law to enforce the liability to labour or to impose a tax payable in labour or in money in commutation of such labour.

Interpretation clause: "Local authority."

2 From and after the passing of this Ordinance all commissioned officers, non-commissioned officers, and private men of any corps of volunteers in this island shall be, and they are hereby, exempted from the liability to labour imposed by section 49 of Ordinance No. 10 of 1861, and from any tax payable in six days' labour or in money in commutation of such labour to any municipal council under the Ordinance No. 7 of 1887 or to any local board under the Ordinance No. 9 of 1887.

Volunteers exempted from liability to labour or to pay any tax in labour or in money in commutation of such labour.

Provided that in the case of such non-commissioned officers and private men they shall not be entitled in any year to such exemption as aforesaid, unless it shall have been previously certified to the local authority, by the officer commanding such corps, or by the adjutant or any other commissioned officer specially authorized thereto by such officer commanding, that such non-commissioned officers and private men are *bonâ fide* efficient volunteers.

Proviso.

8th October, 1889.

No. 13 of 1889.

(*As amended by No. 7 of 1890.*)

An Ordinance amending the Law relating to Indian Coolies employed on Ceylon Estates.

(*See No. 11 of 1865.*)

Preamble.

WHEREAS it is expedient to amend in the particulars hereinafter mentioned the Ordinance No. 11 of 1865: And whereas it is expedient to repeal the Ordinance No. 17 of 1862 and the Ordinance No. 16 of 1884, and to make more suitable provisions in lieu of those contained therein: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Repeal.

1 There shall be repealed as from the commencement of this Ordinance—

(*a*) The Ordinance No. 17 of 1862, intituled "An Ordinance to ascertain the proportion of Mortality amongst the Natives of India employed in Agricultural and other Labour in Ceylon;"

(*b*) The Ordinance No. 16 of 1884, intituled "An Ordinance to amend the Ordinance No. 11 of 1865, intituled 'An Ordinance to consolidate and amend the Law relating to Servants, Labourers, and Journeymen Artificers under Contracts for Hire and Service,' and to provide for the speedy recovery of Wages due to Labourers."

Proviso.

Provided that this repeal shall not affect—

(*a*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; nor

(*b*) The continuance of any legal proceeding already instituted, and which may be pending under any enactment so repealed, for the recovery of any wages due, or penalty incurred, before the commencement of this Ordinance.

To be read as one with the Ordinance No. 11 of 1865.

2 This Ordinance shall, so far as is consistent with the tenor thereof, be read and construed as one with the Ordinance No. 11 of 1865, hereinafter referred to as "the principal Ordinance."

Interpretation clause:

3 For the purposes of this Ordinance—

"Estate."

"Estate" means any land in which labourers are employed, and of which ten acres or more are actually cultivated.

"Labourer."

"Labourer" means every labourer and kangáni (commonly known as "Indian coolies") employed on an estate in other than domestic labour.

"Wages."

"Wages" means all sums which may be due to a labourer for and in respect of the work and labour done by him on an estate.

"Employer" means the chief person for the time being in charge of an estate, and includes the superintendent.

"Employer."

4 Except as in this Ordinance otherwise expressly provided, all the provisions, regulations, pains, penalties, forfeitures, and abatements enacted in the principal Ordinance, so far as they are applicable to monthly servants or their employers, shall extend, and be construed, deemed, and adjudged to extend, to labourers and employers under this Ordinance; and every act or default, by whomsoever done or committed, which is made punishable by the principal Ordinance, if made or committed in respect of, or in relation to, monthly servants or their employers, shall in the like manner be punishable if done or committed in respect of, or in relation to, labourers and employers under this Ordinance.

Certain provisions of the principal Ordinance extended to labourers and employers and to acts and defaults of third parties in respect of or in relation to them.

5 Every labourer who shall enter into a verbal contract with the employer for the performance of work not usually done by the day or by the job or by the journey, or whose name shall be entered in the check-roll of an estate and who shall have received an advance of rice or money from the employer, shall, unless he has otherwise expressly stipulated, and notwithstanding that his wages shall be payable at a daily rate, be deemed and taken in law to have entered into a contract of hire and service for the period of one month, to be renewable from month to month; and every such contract shall be deemed and taken in law to be so renewed unless one month's previous notice be given by either party to the other of his intention to determine the same at the expiry of one month from the day of giving such notice.

Verbal and implied contracts of service.

6 (1) The wages of a labourer shall be payable monthly within *sixty days from the expiration of the month during which such wages shall have been earned*, and when such wages shall be payable at a daily rate the monthly wages shall be computed according to the number of days on which the labourer shall have been able and willing to work, whether the employer may or may not have been able to provide him with work. Provided that no employer shall be bound to provide for each labourer more than six days' work in the week.

Wages how payable and how computed. [§ *1, 7 of 1890*]

(2) When the contract of service is determined by one month's previous notice or warning by the labourer to the employer or by the employer to the labourer, all wages due to the labourer for his period of service shall be paid in full to him by the employer on the day when such contract is so determined as aforesaid.

(3) In computing the amount of wages due to a labourer for any period of service, such labourer shall be debited with the amount of all advances of money made to him, and with the value of all food, clothes, or other articles supplied to him during such period, and which the employer is not liable in law to supply at his own expense.

Exemption from punishment when wages are overdue.
[§ 2, 7 of 1890]

7 No labourer shall be liable to punishment for neglecting or refusing to work, or for quitting service without leave or reasonable cause, or for disobedience, or for neglect of duty, if at the time of such alleged offence *the monthly wages earned by him shall not have been paid in full within the period specified in sub-section (1) of section 6.*

Written contracts.

8 No contract of service entered into with a labourer for any period of time longer than one month shall be valid in law unless the same is executed in all respects in strict accordance with the requirements of the principal Ordinance as to written contracts; and all written contracts between labourers and employers shall be subject to, and governed by, the provisions of the principal Ordinance relating to written contracts.

Wages made a first charge on estate.

9 Labourers employed on an estate shall, anything in the Ordinance No. 22 of 1871 to the contrary notwithstanding, have in respect of their wages, whatever the period for which such wages may be due, but not exceeding the sum of twenty rupees earned by each labourer, a first charge upon such estate, and such first charge shall have priority over all claims for rents, dues, or otherwise by any lessors, mortgagees, judgment, execution or other creditors, or by any other persons whatever; and such first charge may be enforced by suit or by claim if instituted or preferred within three months of the last day of the period in respect of which such wages are claimed.

Wages may be sued for in court of requests whatever the amount.

Labourers may sue jointly in one suit.

10 The wages due to any labourer or labourers, whatever may be the amount claimed, shall be sued for in a court of requests having in other respects jurisdiction in that behalf; and it shall be lawful for one or more labourers employed on such estate to institute one suit to recover the wages which may be due, not only to him or them, but also to any other labourer or labourers employed on the same estate whose name or names may appear in the plaint, provided that the court in which the suit is instituted is satisfied, after due inquiry, that the labourer or labourers suing is or are authorized to sue for and on behalf of the other or others so named as aforesaid.

Proprietor of estate to be party defendant.

11 In any suit instituted under this Ordinance it shall be sufficient to designate the defendant as the "proprietor of the ——— estate," specifying the name of the estate on which the labourer had been employed, without naming the proprietor or proprietors thereof.

Party sued may claim set-off.

12 The party sued or his representative, or any other person allowed by the court to intervene in such suit, shall be entitled to a set-off or counter-claim in respect of any sum of money, or the fair and reasonable price of any food, clothes, or other articles which the employer was not liable in law to supply at his own expense, but which money, food, clothes, or other articles had been advanced or supplied to the labourer or labourers as against the wages for which he or they may be suing.

13 It shall be lawful for a mortgagee of an estate to pay and discharge the first charge created by this Ordinance in respect of such estate in favour of the labourers employed thereon; and upon such payment he shall be entitled to add the amount thereof to the sum due upon his mortgage; and the amount so added shall be secured by the mortgage held by him.

Right of mortgagee.

14 When the proprietor of an estate is sued under this Ordinance, and he shall by proof adduced satisfy the court that he did not by himself or by his agent or agents employ all or any of the labourers who are suing him, but that they or any of them were employed on such estate by some other person as trustee, lessee, or mortgagee in possession, he shall be entitled, upon application by him made for that purpose, to have such other person made a party defendant in the same suit at any time before execution is levied, provided that such other person shall have had reasonable notice of such application, and shall have failed to show cause why he should not be joined in the suit. And the court shall, if satisfied that such other person was primarily liable to pay the amount of wages sued for wholly or in part, and that the same has since the institution of the suit been paid and satisfied by such proprietor, enter a separate judgment therefor as between the proprietor and such other person with such reasonable costs as it may think fit, and enforce such judgment against such other person by a writ of execution.

Proprietor may obtain judgment in same suit against others who have actually employed the labourers.

Provided, however, that no proceedings had as between such other person and such proprietor as aforesaid shall be permitted in any way to delay the progress of the suit as between the labourers and such proprietor.

Proviso.

15 The rules and orders in schedule A hereto shall apply to suits instituted under this Ordinance; and upon any matter not specially provided therein, including the payment of costs, the general rules and orders for courts of requests shall be followed in so far as the same may be applicable.

Procedure.

16 Every employer shall, on the tenth day of January, on the tenth day of April, on the tenth day of July, and on the tenth day of October of each year make to the government agent of the province in which the estate is situate, or to some other public officer who may be appointed by the Governor for that purpose, and of whose appointment a notice shall be published in the *Government Gazette*, true and correct returns, for and in respect of the three months next immediately preceding each of the said four months, containing each and every of the particulars set forth in the form given in schedule B hereto. The returns shall be made in the English language, and copies of the said form shall be furnished by such government agent on the application of the employer free of charge.

Employers to send returns to government agent.

Forms of returns to be supplied gratis by government agent.

Provided that if any of the aforesaid days shall be a Sunday or public holiday, the said returns and declaration shall be made on the next following day not being a public holiday

Proviso.

Offences. Penalty.

Evidence.

17 Any employer who shall refuse or neglect to make any returns by this Ordinance required to be made, in the form and on the days herein specified, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred rupees; and the production of a certificate under the hand of the government agent, to the effect that no returns have been received by him from the person charged, shall in all judicial proceedings be *primâ facie* evidence of such person having refused or neglected to make such returns, as the case may be.

Returns to be sent to Colonial Secretary.

General abstracts to be published, and laid before Legislative Council.

18 The government agent or such other officer as aforesaid shall forward all such returns to the Colonial Secretary, who shall, so soon as convenient, publish or cause to be published, in the *Government Gazette*, a general abstract of the returns received for any one quarter, in such form as the Governor, with the advice of the Executive Council, shall from time to time require. And an annual general abstract of all such returns for each year shall be laid before the Legislative Council.

SCHEDULE A.

Rules and Orders.

Commencement of suit by filing plaint.

Issue of summons to defendant and subpœna to superintendent.

1. The suit shall commence by the filing of a plaint setting out the period or proximate period for which wages are due to the plaintiff, or to each of the plaintiffs if there be more than one plaintiff; and thereupon the chief clerk shall issue a summons directed to the defendant requiring him to appear before the court on a day therein named to answer the claim of the plaintiff or plaintiffs, and shall at the same time issue a subpœna to the superintendent of the estate requiring him on the same day as that named in the summons to attend and bring with him the check-rolls and any other documents which may be specified in such subpœna, and shall at the same time cause a notice in form hereunto annexed to be published in the *Government Gazette* of the two following weeks.

Service of summons prescribed, superintendent may represent proprietor.

2. The summons directed to the defendant shall be served upon the superintendent, or, if the commissioner so directs, shall be affixed to a conspicuous part of the estate, and such service shall be deemed to be good and sufficient service on the defendant; and in every case the chief clerk shall post a copy of such summons to the superintendent directed to such estate. It shall be competent for such superintendent to appear for and represent the defendant in the said suit, and to adduce evidence therein.

Investigation.

3. On the day named in such summons, or on any other day to which the commissioner may adjourn or postpone the inquiry, he shall summarily hear and determine the suit and give judgment thereon for such sum or sums as the plaintiff or plaintiffs may be found entitled to; and in determining the sum due to the plaintiff, or if there be more than one plaintiff, the sum due to each of the plaintiffs, the commissioner shall apply any payments, whether in money or in food, clothes, or other articles proved to have been made in partial discharge of wages, towards the payment of the antecedent wages in the order of time in which the same became due, and the commissioner shall in his judgment specify the extent to which the first charge shall apply, and shall declare the estate bound and executable for and in respect of such first charge.

Provided, however, that if the commissioner be satisfied that the sale of any definite portion of the said estate shall be sufficient to satisfy the first charge, he may, in the first instance, order accordingly. **Proviso.**

4. As soon as may be after the judgment is pronounced a formal decree bearing the same date as the judgment shall be drawn by the commissioner in the form hereto annexed, specifying (1) the total amount due to the plaintiffs and (2) the amount for which the estate is bound and executable for and in respect of the first charge. **Formal decree.**

5. The commissioner on non-payment of the amount of the first charge shall issue a writ in the form I. hereunto annexed, and on non-payment of the balance (if any) due under the decree shall issue a writ in the form II. hereunto annexed, which writs may issue simultaneously or independently of each other. **Two separate writs may issue.**

6. The judgment in the suit shall not be declared satisfied or discharged save by payment into court of the total amount decreed, or by deposit in court of such amount by levy in execution ; and when such judgment shall be satisfied by payment into court, or when payment shall be made of the first charge, the commissioner shall issue a certificate to that effect under his hand to the person making such payment. **Judgment how satisfied.**

7. The fiscal shall execute a conveyance of the said estate or part thereof on sale in execution in favour of the purchaser in the form hereto annexed, and the same shall be sufficient to vest title in the purchaser free from all encumbrances. **Conveyance by fiscal.**

8. Upon the payment into or deposit in court of the amount decreed or levied, the commissioner shall pay or distribute the same to or among the plaintiff or plaintiffs adjudged to be entitled thereto, and make a record thereof. **Distribution of sum deposited.**

9. It shall be competent for any mortgagee or any other person interested in the suit to intervene therein, if allowed by the court to do so. **Intervention by mortgagee.**

Notice.

Notice is hereby given that a suit has been instituted in the Court of Requests of ———, by (*insert number*) labourers of ——— estate, against the proprietor or proprietors thereof, under the Ordinance No. 13 of 1889, for the recovery of their wages, amounting to ——— rupees. **Notice.**

This ——— day of ———, 18 —. Chief Clerk.

Form of Decree.

It is ordered and decreed that the proprietor of the ——— estate do forthwith pay into court for the use of the plaintiffs the sum of ——— rupees, and that the said ——— estate (*or if a portion only of the estate is declared bound and executable, here describe definitely the said portion of the estate*), bounded or reputed to be bounded on the north by ———, east by ———, south by ———, and west by ———, containing in extent ——— acres, is bound and executable to the plaintiffs for a first charge to the extent of ——— rupees. **Decree.**

It is further ordered and decreed that the proprietor of the said estate do pay to the plaintiffs the costs of this action.

Form of Writ, I.

In the Court of Requests of ———.

———, Plaintiff.

Vs.

Proprietor of ——— Estate, Defendant.

To the Fiscal of the ——— Province.

Writ of execution against estate for first charge.

Whereas by a judgment pronounced by the Commissioner of the Court of Requests of ———, in case No. ———, it was ordered and decreed that the proprietor of the ——— estate do pay into court, in the said suit, the sum of ——— rupees, and the said ——— estate (hereinafter described) was thereby declared bound and executable for a first charge to the amount of ——— rupees; and whereas the proprietor of the said ——— estate hath made default in paying the said amount:

Levy and make of the said estate, bounded or reputed to be bounded on the north by ———, east by ———, south by ———, and west by ———, containing in extent ——— acres, declared by the judgment of this court bearing date the ——— day of ———, bound and executable for a first charge to the extent of ——— rupees, by seizure, and, if necessary, by sale thereof (*or* part thereof to be defined) the sum of ——— rupees, and have that money before this court on the ——— day of ———, to render to the said ———, and inform this court for what sum or sums, and to what person or persons, you have sold the said estate (*or* part thereof), and have you there this mandate.

By order of court,

———

Chief Clerk.

Form of Writ, II.

In the Court of Requests of ———.

———, Plaintiff.

Vs.

Proprietor of ——— Estate, Defendant.

To the Fiscal of the ——— Province.

Writ for unsecured balance.

Whereas by a judgment pronounced by the Commissioner of the Court of Requests of ———, in case No. ———, it was ordered and decreed that the proprietor of the ——— estate do pay into court the sum of ——— rupees, of which sum the sum of ——— rupees was declared a first charge on the ——— estate, and the balance sum of ——— rupees has not been paid into court:

Levy and make of the houses, lands, goods, and credits of the proprietor of the said ——— estate, by seizure, and, if necessary, by sale thereof, the sum of ——— rupees, and have the money before this court on the ——— day of ———, to render to the said ———, and inform this court for what sum or sums, and to what person or persons, you have sold the said property respectively, and have you there this mandate.

By order of court,

———

Chief Clerk.

Form of Conveyance by Fiscal.

Conveyance by fiscal.

Whereas by a judgment pronounced by the Commissioner of the Court of Requests of ———, in case No. ———, it was ordered and decreed that the proprietor of the ——— estate do pay into court, in the said suit, the sum of ——— rupees, and the said estate (hereinafter described) was thereby declared bound and executable for a first charge to the amount of ——— rupees: And whereas

the proprietor of the ——— estate hath made default in paying the said amount, and by writ of execution issued from the said court bearing date ———, directed to the Fiscal for the ——— Province, he was directed to levy the said amount by the sale of the said estate (*or* part thereof, *as the case may be*): And whereas the said estate (*or* part thereof) was seized in execution under the said writ, and after due notice was exposed to public sale on the ——— day of ———, at ———, by ———, acting under the authority, of the said Fiscal, and sold to ——— as the highest bidder for the sum of ——— rupees, and the said ——— has paid the said sum to the said Fiscal: Now these presents witness that ———, the said Fiscal for the ——— Province, in consideration of the said sum of ——— rupees paid by the said ———, the receipt whereof the said Fiscal doth hereby acknowledge, hath sold and assigned, and doth by these presents sell and assign unto the said ———, his heirs, executors, administrators, and assigns the ——— estate, bounded or reputed to be bounded on the north by ———, east by ———, south by ———, and on the west by ———, containing in extent ——— acres, and described in the map or diagram annexed, to have and to hold the said estate with its and every of its appurtenances by him the said ———, his heirs, executors, administrators, and assigns for ever free from all incumbrances.

In witness whereof the said Fiscal hath hereunto inscribed his name at ———, this ——— day of ———, in the year of our Lord One thousand Eight hundred and ———.

Witnesses. ——— Signature of Fiscal.

SCHEDULE B.

I.—Return of Labourers employed on the ——— Estate, in the District of ———, during the Quarter ended ———, 18 —.

	Male.	Female.	
Number of Labourers ...			

II.—Return of Births occurring among Labourers upon the above Estate during the Quarter.

Date of Births.	Mother's Name.	Father's Name.

III.—Return of Deaths occurring among Labourers upon the above Estate during the Quarter.

Name	Age.	Sex.	Name of Village.	Date of Death	Probable cause of Death.

31st October, 1889.

No. 14 of 1889.

An Ordinance to provide for the validity of certain Marriages registered in the District of Matale under "The Amended Kandyan Marriage Ordinance, 1870."

(*See No. 3 of 1870.*)

Preamble.

WHEREAS "The Amended Kandyan Marriage Ordinance, 1870," requires, *inter alia*, in order to constitute a valid marriage thereunder, that the same shall be registered in duplicate in the presence of any registrar for the district where such marriage is contracted: And whereas in the District of Mátalé divers marriages contracted under the said Ordinance were registered only in one marriage register book, and not in duplicate in two such books as required by the said Ordinance, by Robert Massie, George Sanders Williams, Henry Luttrell Moysey, Don Aaron Cornelius de Alwis Igalaratna, and Benedict Nathaniel Karunanáyaka Jayawardana, each of whom acted in the matter of such registration in the capacity of district registrar: And whereas it is expedient to remove all doubts as to the validity of the said marriages, notwithstanding their non-registration in duplicate: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Registration of certain marriages in the Mátalé District irregular by reason of not having been in duplicate.

Such irregular registrations declared valid

1 The registration of all marriages contracted in the Mátalé District and registered by the said Robert Massie, or the said George Sanders Williams, or the said Henry Luttrell Moysey, or the said Don Aaron Cornelius de Alwis Igalaratna, or the said Benedict Nathaniel Karunanáyaka Jayawardana, between the first day of January, 1872, and the thirtieth day of September, 1888, shall be as valid and effectual for all purposes intended by, or relating to, or connected with the provisions of "The Amended Kandyan Marriage Ordinance, 1870," as if the particulars relating to such marriages had respectively been registered in duplicate in two of the marriage register books as in the said Ordinance provided.

No other defect cured in respect of such marriages.

2 Nothing herein contained shall give any validity to the registration of any marriage so irregularly registered as aforesaid, except so far as relates to the defect thereof caused by the non-registration in duplicate of the particulars of such marriage as required by the said Ordinance.

31st October, 1889.

No. 15 of 1889.

An Ordinance relating to Land Surveyors, Auctioneers, and Brokers.

Preamble.

WHEREAS it is expedient to provide for the registration and licensing of persons practising as surveyors within this colony, and to prevent unlicensed persons from carrying on business as auctioneers or brokers within the limits of any town in which a municipal council is or may be established: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

PART I.

Surveyors.

Interpretation.

1 For the purposes of this Ordinance, no person shall be deemed—

(*a*) To practise as a surveyor who does not receive a fee or other remuneration for his work; or

(*b*) To carry on trade or business as an auctioneer who does not sell at any public auction property, movable or immovable, of the aggregate value of fifty rupees and upwards; or

(*c*) To carry on trade or business as a broker who does not at any time buy or sell for another property, movable or immovable, of the aggregate value of fifty rupees and upwards.

All practising surveyors to be registered.

2 (1) From and after the expiration of three months from the date on which this Ordinance comes into operation no person shall practise as a surveyor in any part of this colony unless he shall have been registered as such by the Surveyor-General in his office at Colombo, or by the chief surveyor of the province in which such person resides in the office of such chief surveyor, in a book to be kept for that purpose.

(2) No person shall be so registered as aforesaid unless his application for registration, which shall be in writing, is accompanied—

(*a*) By an affidavit to the effect that he has practised as a surveyor in this island for at least five years previously to the date of such application; or

(*b*) By a license obtained from the Surveyor-General in manner hereinafter provided.

(3) A fee of two rupees and fifty cents shall be charged for every such registration, and all such fees shall be accounted for and appropriated as the Governor shall from time to time direct.

Court surveys to be made only by licensed surveyors.

3 No survey or plan, and no copy or tracing of any survey or plan, purporting to have been made or prepared by any surveyor after the expiration of the afore-mentioned period of three months, shall be receivable in evidence in any civil court in this colony, unless made or prepared by a registered surveyor who has been duly licensed under this Ordinance.

Examination for license.

4 (1) Every applicant for a license, who is not a person described in schedule A hereto, shall pass such examination as may from time to time be prescribed by the Government, and notice of the time when and the subjects in which applicants shall be examined shall be published in the *Government Gazette* and two or more of the local newspapers at least one month previously to the date fixed for such examination.

(2) Every applicant shall at his option be examined by the Surveyor-General at Colombo or by such person and at such place within the province in which the applicant resides, as the Surveyor-General may appoint.

Fees.

5 Every applicant for a license shall, before being examined, pay to the Surveyor-General the following fees:

For an examination in surveying only ... Rs. 20
For an examination in surveying and levelling ... Rs. 35

All such fees shall be accounted for and appropriated as the Governor shall from time to time direct.

Exemptions from examination.

6 The persons described in schedule A hereto shall be exempted from passing the examination required by section 4, and shall be entitled to a license on their applying to the Surveyor-General therefor. And it shall be lawful for the Governor, in Executive Council, by Proclamation in the *Government Gazette*, to extend the said exemption to other persons who may be duly qualified to practise as licensed surveyors.

Stamp.

7 Every license shall be in the form contained in schedule B hereto, and shall bear a stamp of two rupees and fifty cents.

Registration and license may be cancelled.

8 (1) Whenever it shall be made to appear to any district court within whose jurisdiction any registered surveyor may reside, that such surveyor has been guilty of gross misconduct in the discharge of his duties as a surveyor, or that he has proved himself incapable of discharging such duties with advantage to the public, such court may, after a summary investigation of the matter of complaint, which may be preferred, by petition, by any aggrieved person, cancel the registration and the license, if any, of such surveyor, and award costs as it thinks fit. Every such cancellation shall be in the form of an order, which shall be subject to an appeal to the Supreme Court in like manner as any other order of such district court.

(2) Every such order of cancellation, unless the same be set aside on appeal, shall be communicated by the district court to the Surveyor-General, who shall give effect thereto; and where any license has been cancelled, the licensee shall forthwith return such license to the Surveyor-General.

List of persons registered and licensed to be published.

9 The Surveyor-General shall cause to be published in the *Government Gazette* at the beginning of every month a list of all persons who shall have been registered or licensed as surveyors during the preceding month, and shall, upon any order of cancellation under section 8 being communicated to him, forthwith notify the same in the *Government Gazette*.

10 Every person who, after the expiration of the aforementioned period of three months, shall practise, or attempt or profess to practise, as a surveyor, either without having been duly registered as such, or after his registration and license, if any, have been cancelled in manner aforesaid, shall be guilty of an offence, and shall be liable on a first conviction to a fine not exceeding one hundred rupees, and on every subsequent conviction to a fine not exceeding five hundred rupees.

Penalty for practising without license.

11 Every surveyor licensed under this Ordinance shall be deemed to have been specially licensed by the Surveyor-General for the purposes of "The Land Registration Ordinances, 1877 and 1889."

Surveys under Land Registration Ordinances.

12 Nothing hereinbefore contained shall apply to any surveyor for the time being in the service of the Government, or shall prejudicially affect the operation of any existing or future enactments relating to plans or surveys purporting to be signed by the Surveyor-General or any officer on his behalf.

Government surveyors and Surveyor-General.

PART II.

Auctioneers and Brokers.

13 From and after the expiration of three months from the date on which this Ordinance comes into operation, no person shall carry on the trade or business of an auctioneer or of a broker within the limits of any town in which a municipal council is or shall be established, unless he shall have obtained a license from the chairman of such council in the form in schedule C hereto.

License necessary to carry on business as auctioneer or broker within municipalities.

14 Every such license shall continue in force from the day on which it is granted till the thirty-first day of December next ensuing, and shall specify the conditions on which it is granted and the municipal limits within which it may be used.

Duration, conditions, and limitation of license.

15 A fee of forty rupees shall be payable for every such license, and such fee shall form part of the municipal fund of the town for which the license is granted. Provided that where the same person obtains a license as auctioneer and also a license as broker, he shall pay only a fee of sixty rupees for both such licenses.

Fees.

16 (1) The chairman of the municipal council may, for good reason to be assigned by him in writing, refuse to grant any such license, and may in his discretion attach such conditions thereto as he may deem expedient, and may cancel such license in the event of the breach of any such condition being proved to his satisfaction.

Chairman may refuse to issue license and attach conditions and may cancel license.

(2) Any person aggrieved by an order of the chairman refusing to grant or cancelling a license may appeal to the Governor, in Executive Council, within seven days from the date of such order, and the decision of the Governor, in Executive Council, shall be final and conclusive.

List of licensed auctioneers and brokers to be published.

17 The chairman of the municipal council shall at the beginning of every month cause to be published in the *Government Gazette* and in one or more of the local newspapers a list of the persons to whom licenses shall have been granted by him during the preceding month; and if at any time he shall cancel any such license and such cancellation shall not be set aside on appeal to the Governor, in Executive Council, he shall publish in like manner as aforesaid the name of the person whose license shall have been so cancelled.

Penalty for practising without license.

18 Every person who, after the expiration of the aforementioned period of three months, shall carry on, or attempt or profess to carry on, trade or business as an auctioneer or as a broker either without having obtained or after he shall have been deprived of any such license as aforesaid, shall be guilty of an offence, and shall be liable on a first conviction to a fine not exceeding one hundred rupees and on every subsequent conviction to a fine not exceeding five hundred rupees.

SCHEDULE A.

Members of the Institution of Civil Engineers, England.

Members of the Institution of Civil Engineers, Ireland.

Associate Members of the Institution of Civil Engineers, England.

Holders of Diplomas in Civil Engineering issued by any of the English, Irish, Scotch, or Indian Universities.

Holders of Diplomas issued by the Royal Indian Engineering College, Cooper's Hill.

Persons who have served, under Articles of Indenture and for a period of not less than three years, a Member or Associate Member of the Institution of Civil Engineers, England, or a Member of the Institution of Civil Engineers, Ireland, or Civil Engineer or Land Surveyor in private practise in Great Britain or Ireland, and who hold certificates of proficiency in surveying.

Holders of Certificates of proficiency in surveying from the Executive Officer or a Divisional Officer of the Royal Engineers employed on the Ordnance Survey of the United Kingdom, or from the Director or other principal officer of the Revenue Survey of India.

Holders of Certificates of proficiency in surveying issued by the Surveyor-General of Ceylon to any officer who has served in the local Survey Department as Chief, District, or Assistant Surveyor.

SCHEDULE B.

Form of License to practise as a Surveyor.

I, ———, Surveyor-General of the Island of Ceylon, do hereby authorize and license ———, of ———, to practise as a Surveyor (*or* as a Surveyor and Leveller) in the Island of Ceylon.

———

Surveyor-General.

The ——— day of ———, 18 —.

SCHEDULE C.

Form of License to practise as an Auctioneer or Broker.

I, ———, Chairman of the Municipal Council of ———, do hereby authorize ———, of ——— aforesaid, to carry on trade or business as an Auctioneer (*or* as a Broker) within the limits of the ——— Municipality.

This license expires on thirty-first December, 18 —, and is issued subject to the conditions on the back hereof. Any breach of the said conditions involves the cancellation of the license.

Chairman, Municipal Council.

The ——— day of ———, 18 —.

31st October, 1889.

No. 16 of 1889.

An Ordinance to authorize the punishment of Whipping in certain cases.

(*See No. 2 of 1883.*)

Preamble.

WHEREAS it is expedient that in certain cases the Supreme Court and the district courts should respectively be authorized to impose on adult offenders the punishment of whipping in cases other than those in which the said courts are already empowered by law to inflict such punishment: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance shall apply only to male offenders above the age of sixteen years, and may be cited as "The Whipping Ordinance, 1889."

Offences punishable with whipping in addition to other punishments prescribed by the Ceylon Penal Code.

2 Whoever is convicted by the Supreme Court or any district court of any of the following offences may be punished with whipping in addition to any other punishment to which he may for such offence be liable under the Ceylon Penal Code; that is to say:

(*a*) Voluntarily causing hurt by dangerous weapons or means, as defined in section 315 of the said Code;

(*b*) Voluntarily causing grievous hurt by dangerous weapons or means, as defined in section 317 of the said Code;

(*c*) Rape, as defined in section 363 of the said Code;

(*d*) Unnatural offences, as defined in section 365 of the said Code;

(*e*) Theft after preparation for causing death or hurt, as defined in section 371 of the said Code;

(*f*) Extortion by threat, as defined in section 377 of the said Code;

(*g*) Putting a person in fear of accusation in order to commit extortion, as defined in section 378 of the said Code;

(*h*) Robbery, as defined in section 379 of the said Code;

(*i*) Attempting to commit robbery, as defined in section 381 of the said Code;

(*j*) Robbery with attempt to cause death or grievous hurt, as defined in section 383 of the said Code;

(*k*) Attempting to commit robbery when armed with deadly weapon, as defined in section 384 of the said Code;

(*l*) Lurking house-trespass or house-breaking, as defined in section 429 and 431 of the said Code, in order to the committing of any offence punishable with whipping under this section;

(*m*) Lurking house-trespass by night or house-breaking by night, as defined in sections 430 and 432 of the said Code, in order to the committing of any offence punishable with whipping under this section.

25th November, 1889.

No. 17 of 1889.

An Ordinance relating to Gaming.

Preamble.

WHEREAS it is expedient that the law should be made more efficient for the suppression of unlawful gaming and of common gaming places: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title and commencement.

1 This Ordinance may be cited as "The Gaming Ordinance, 1889;" and it shall come into operation at such date as the Governor shall, by Proclamation to be published in the *Government Gazette*, appoint.

Repeal.

2 From and after the coming into operation of this Ordinance, sub-section 4 of section 4 and the whole of sections 16, 17, 19, and 20 of the Ordinance No. 4 of 1841, intituled "An Ordinance to amend the Laws relating to Vagrants," shall be repealed.

Proviso.

Provided that such repeal shall not affect the past operation of, or any liability, penalty, forfeiture, or punishment incurred under, any enactment hereby repealed, or any investigation or legal proceeding in respect of any such liability, penalty, forfeiture, or punishment as aforesaid.

3 For the purposes of this Ordinance, "unlawful gaming" shall include— Interpretation "Unlawful gaming,"

(1) Cock-fighting, whether for a stake or not, and whether practised publicly or privately;

(2) The act of betting or of playing a game for a stake when practised—

(*a*) In or upon any path, street, road, or place to which the public have access, whether as of right or not; or

(*b*) In any premises in respect of which a license has been granted to distil, manufacture, sell, or possess arrack, rum, toddy, or any intoxicating liquor; or

(*c*) In or at a common gaming place as hereinafter defined.

"Place" shall include any house, office, room, or building, and any place or spot whether open or enclosed, and any ship, boat, or other vessel whether afloat or not, and any vehicle. "Place."

"Common gaming place" shall include any place kept or used for betting or the playing of games for stakes, and to which the public may have access with or without payment; and a place shall be deemed to be "kept or used" for betting or the playing of games for stakes, if it is so used even on one occasion only. "Common gaming place." "Kept or used."

"Instruments or appliances of gaming" shall include cards, dice, balls, counters, tables, boards, or other instruments used in or for the purpose of gaming or betting, or for the playing of games of chance, or for the playing of games of mixed chance and skill. "Instruments or appliances of gaming."

4 Whoever commits unlawful gaming shall be punished with fine not exceeding one hundred rupees, or with rigorous imprisonment for a term which may extend to six months, or with both. Unlawful gaming. Penalty.

5 Whoever—

(*a*) Being the owner or occupier, or having the use temporarily or otherwise thereof, keeps or uses a place as a common gaming place; or Keeping a common gaming house.

(*b*) Permits a place, of which he is owner or occupier, or of which he has the use temporarily or otherwise, to be kept or used by another person as a common gaming place; or Permitting to be kept.

(*c*) Has the care or management of, or in any manner assists in the management of, a place kept or used as a common gaming place; Managing.

shall be punished with fine not exceeding five hundred rupees, or with rigorous imprisonment for a term which may extend to one year, or with both. Penalty.

Public servant may arrest.

6 All headmen and police officers and all municipal and local board inspectors are authorized to arrest and to take before the police court having jurisdiction, any person whom he shall find committing the offence of unlawful gaming; and if he deem it advisable, to search such person so arrested, and to seize any instruments or appliances of gaming found with him or upon him or near him, and to carry the same before the police court having jurisdiction.

Search warrant against premises.

7 (1) A police magistrate, on being satisfied upon written information on oath, and after any further inquiry which he may think necessary, that there is good reason to believe that any place is kept or used as a common gaming place, may by warrant in the form A in the schedule to this Ordinance authorize any person therein named, or any police officer, with such assistance and by such means as may be necessary, by night or by day, to enter or go to such place and to search the same and all persons found therein, and to seize all instruments or appliances for gaming, and all money, securities for money, and other articles reasonably supposed to have been used or intended to be used for any game, which may be found in such place or on any such persons, and also to detain all such persons until they and the said place shall have been searched. If what is made by this Ordinance presumptive evidence of guilt applies to such place or to any person therein, every person found in such place shall be taken before a magistrate to be dealt with according to law.

(2) All instruments or appliances for gaming, money, securities for money, and other articles found in a common gaming place, or on any persons found therein or escaping therefrom, and which the magistrate is of opinion were used or intended to be used for any game, shall be declared by him to be forfeited to the Crown, and shall be dealt with accordingly.

Police magistrate may himself enter and search.

8 (1) A police magistrate may himself do what he may under section 7 authorize a police officer to do, whenever such magistrate is competent to issue a warrant under the said section, and also in any of following cases (that is to say):

(*a*) If any person has within the preceding six months been convicted of having kept or used as a common gaming place the place purposed to be entered; or

(*b*) If the magistrate receives the required information orally, and either on oath or not on oath, under such circumstances that the object of a search would, in his opinion, be defeated by the delay necessary for reducing the information to writing.

Proviso.

Provided, however, that in the last case the name and address of the person giving such information is known to, or ascertained by, such magistrate before he acts upon such information.

False information.

(2) Whoever in giving such oral information makes a statement which he knows or believes to be false, or does not believe to be true, shall be punished with simple or rigorous imprisonment for a term which may extend to twelve months.

9 A person found in a common gaming place, or found escaping therefrom on the occasion of its being entered under this Ordinance, or who is found in possession of any instrument or appliance of gaming on the occasion of being searched under section 6 or section 7, shall be presumed, until the contrary is proved, to be guilty of unlawful gaming.

Presumptive proof of unlawful gaming.

10 If any instruments or appliances for gaming are found in any place entered under this Ordinance, or upon any person found therein, or if persons are seen or heard to escape therefrom on the approach or entry of any magistrate, police officer, or person authorized to search such place, or if a magistrate, police officer, or other person having authority under this Ordinance to enter or go to such place is unlawfully prevented from, or obstructed or delayed in, entering or approaching the same or any part thereof, it shall be presumed, until the contrary is proved, that the place is a common gaming place, and that the same is so kept or used by the occupier thereof.

Presumptive proof against occupier.

11 In prosecutions for unlawful gaming, the charge to be framed under section 224 of the Criminal Procedure Code shall be in the form B prescribed in the schedule to this Ordinance, and the commitment on such charge shall be in the form C prescribed in the said schedule.

Charge for unlawful gaming.

12 In prosecutions for keeping a common gaming place, the charge to be framed under section 224 of the Criminal Procedure Code shall be in the form D prescribed in the schedule to this Ordinance, and the commitment on such charge shall be in the form C prescribed in the said schedule.

Charge for keeping a common gaming place.

13 Whenever it appears to a police magistrate upon the trial of any offence under this Ordinance that the place in or in respect of which the offence is alleged to have been committed is a common gaming place, and that the same is expressly fitted up and contrived for the purpose of being used as a common gaming place, the magistrate shall order the demolition of the special fittings and contrivances, and such order shall be in the form E in the schedule to this Ordinance. The demolition shall be effected by some public officer expressly ordered by the police magistrate to effect such demolition.

Police magistrate may order demolition of structural contrivances for facilitating gaming.

14 If in any prosecution for the offence of unlawful gaming it shall be alleged, and the magistrate has reason to believe, that the offence was committed in or upon any licensed premises referred to in sub-section 2 (*b*) of section 3, the person licensed in respect of such premises shall also be made a party accused; and the police magistrate shall, if he find that the offence was committed in or upon such licensed premises, and was wilfully permitted or countenanced by such licensed person, convict such licensed person of the said offence and sentence him to rigorous imprisonment for a term not exceeding six months, or to a fine not exceeding one hundred rupees, or to both.

Owner of licensed premises liable for unlawful gaming carried on therein.

Licensed premises kept as a common gaming place.

15 If in any prosecution for the offence of keeping a common gaming place, the place alleged to have been kept as a common gaming place shall be any licensed premises as in the last preceding section mentioned, the person licensed in respect of such premises shall be made a party accused, and the police magistrate shall, if he find that the offence of keeping a common gaming place was committed in respect of such licensed premises with the acquiescence, permission, or connivance of such licensed person, convict such person of the said offence, and shall sentence him to rigorous imprisonment for a term not exceeding twelve months, or to a fine not exceeding five hundred rupees, or to both. In case of a conviction of a licensed person under either this or the last preceding section, his license shall be thereby forfeited.

Examination of offenders.

16 (1) It shall be lawful for the magistrate before whom any persons shall be brought, who have been found in any place entered in pursuance of any authority granted under the provisions of this Ordinance, to require any of such persons to be examined on oath and give evidence touching any unlawful gaming in such place, or touching any act done for the purpose of preventing, obstructing, or delaying the entry into such place or any part thereof of any magistrate, police officer, or other person authorized as aforesaid; and no person so required to be examined as a witness shall be excused from being so examined when brought before such magistrate as aforesaid, or from being so examined at any subsequent time, by or before the same or any other magistrate, or by or before any court, on any proceeding in any wise relating to such unlawful gaming or any such acts as aforesaid, or from answering any question put to him touching the matters aforesaid, on the ground that his evidence will tend to criminate himself; and any such person so required to be examined as a witness, who refuses to make oath accordingly, or to answer any such question as aforesaid, shall be subject to be dealt with in all respects as any person appearing as a witness before any magistrate or court in obedience to a summons, and refusing, without lawful cause or excuse, to be sworn or to give evidence, may by law be dealt with.

Indemnity to them.

(2) Every person so required to give evidence who shall in the opinion of the police magistrate make true and full discovery of all things as to which he is lawfully examined, shall be entitled to receive a certificate of indemnity under the hand of the police magistrate, stating that he has made a true and full discovery of all things as to which he was examined, and such certificate shall be a bar to all legal proceedings against him in respect of all such things as aforesaid.

Persons charged may give evidence on their own behalf.

(3) Any person charged with an offence against this Ordinance may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon may give evidence in the same manner and with the like effect and consequences as any other witness.

17 All offences under this Ordinance are hereby declared to be cognizable and bailable within the meaning of those terms as defined in section 3 of the Criminal Procedure Code, and shall be triable summarily by the police court, which is hereby authorized to inflict the penalties hereinbefore provided, anything in section 16 of the said Code to the contrary notwithstanding.

Offences under the Ordinance cognizable.

18 Nothing in this Ordinance contained shall be construed to make it an offence to play, whether for a stake or not, the games of billiards or bagatelle, or any game which is also an athletic exercise.

No offence to play billiards, bagatelle, &c.

19 The police magistrate may direct any fine or portion of any fine imposed and recovered under this Ordinance to be paid to the informer or informers.

Reward to informer.

20 No criminal prosecution of any person on account of any act purporting to have been done by virtue of the powers conferred by this Ordinance shall be commenced, except with the permission first obtained of the Attorney-General.

No person to be prosecuted for act done under the Ordinance, save with Attorney-General's permission.

21 No action for damages shall lie in any civil court for any act done by any person purporting to act under the provisions of this Ordinance, unless such act be first proved to have been done with express malice.

In civil actions express malice must be proved.

22 No rule framed under the provisions of any existing or future Ordinance relating to village communities for the prevention of "gambling" shall be held to be *ultra vires* on the ground that it conflicts with the provisions of this Ordinance.

Village tribunal rules saved from the operation of the Ordinance.

23 Nothing in this Ordinance contained shall be held to apply to or in any way to affect—

Ordinance not to apply to licensed hotels.

(*a*) Any resthouse in charge of a provincial road committee, or any proprietary club, if and so long as no promiscuous gaming takes place therein; or

(*b*) Any hotel duly licensed under any Ordinance or Ordinances for the time being in force regulating the licensing of hotels, so long as the license of such hotel continues in force.

Provided, however, that upon information received by the government agent of the province within which a hotel may be licensed that promiscuous gaming has on one or more occasions been carried on in such hotel, whether with the privity of the hotel-keeper or not, it shall be lawful for such government agent, after due inquiry held, and upon being satisfied of the truth of such information, to withdraw the license of such hotel, and such license shall, upon the publication of such withdrawal in the *Government Gazette*, be deemed and taken to be withdrawn, and shall be of no further force or effect.

Proviso.

SCHEDULE.

Form A.

(a) Name and designation of person who is to execute warrant.
(b) Name of place.
(c) Signature of public officer issuing warrant.
(d) Official designation of public officer issuing warrant

To (a) ———.

Whereas credible information has been received by me that the offence of keeping a common gaming place is being committed at (b) ———.

This is to authorize and require you forthwith to enter and to search (b) ———, and to exercise all and singular the powers conferred upon you by this warrant and by the 7th section of the Ordinance No. 17 of 1889.

(c) ———,
——— (d) ———.

Form B.

(a) Name and office of magistrate.
(b) Name of accused.
(c) Date of offence.
(d) Name of place where offence occurred.
(e) Signature of magistrate.

I, (a) ———, hereby charge you, (b) ———, as follows:

That you on or about the (c) ———, at (d) ———, unlawfully gamed and thereby committed an offence punishable under section 4 of Ordinance No. 17 of 1889.

(e) ———,
——— Police Magistrate.

Form C.

(a) Name of province.
(b) Date of conviction
(c) Name of prisoner.
(d) Name of magistrate.
(e) Station of magistrate.
(f) Terms of penalty to which prisoner has been sentenced.
(g) Date of committal
(h) Signature of magistrate.

To the Fiscal of the (a) ——— Province.

Whereas on the (b) ———, (c) ———, prisoner in case No. ———, was convicted before me (d) ———, Police Magistrate, (e) ———, of the offence of { unlawful gaming / keeping a common gaming place } under section { 4 / 5 } of the Ordinance No. 17 of 1889, and was sentenced to (f) ———.

This is to authorize and require you to receive the said (c) ——— into your custody, together with this warrant, and to carry the said sentence into execution according to law.

Given under my hand this (g) ———, 189 —.

(h) ———,
——— Police Magistrate.

Form D.

(a) Name and office of magistrate.
(b) Name of prisoner.
(c) Date of offence.
(d) Place where offence occurred.
(e) Signature of magistrate

I, (a) ———, hereby charge you, (b) ———, as follows:

That you on or about the (c) ———, at (d) ———, kept a common gaming place, and thereby committed an offence punishable under section 5 of Ordinance No. 17 of 1889.

(e) ———,
——— Police Magistrate.

Form E.

Order for the Removal of the Fittings of a Common Gaming Place.

(a) Name of place.
(b) Name of public officer designated.
(c) Name of police magistrate.

Whereas it has been made to appear to me that the place (a) ——— is expressly fitted and contrived for the purpose of being used as a common gaming place, I do hereby direct and require you (b) ——— to demolish such special fittings and contrivances as per list annexed.

(c) ———,
Police Magistrate.

18th December, 1889.

No. 19 of 1889.

An Ordinance relating to the Maintenance of Wives and Children.

WHEREAS it is expedient to amend the law relating to the maintenance of wives and children: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows: Preamble.

1 This Ordinance may be cited as "The Maintenance Ordinance, 1889." Short title.

2 Sub-section 2 of section 3 of the Ordinance No. 4 of 1841, intituled "An Ordinance to amend the Laws relating to Vagrants," is hereby repealed, except as to anything heretofore duly done thereunder, and except so far as may be necessary for the purpose of supporting and continuing any legal proceeding commenced thereunder before the coming into operation of this Ordinance. Repealing clause.

3 If any person having sufficient means neglects or refuses to maintain his wife, or his legitimate or illegitimate child unable to maintain itself, the police magistrate may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child at such monthly rate, not exceeding fifty rupees, as the magistrate thinks fit, and to pay the same to such person as the magistrate may from time to time direct. Such allowance shall be payable from the date of the order. Order for maintenance of wife or of legitimate or illegitimate child.

4 If such person offers to maintain his wife on condition of her living with him, the magistrate may consider any grounds of refusal stated by her, and may make an order under section 3, notwithstanding such offer, if the magistrate is satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty. Where wife refuses to live with her husband.

5 No wife shall be entitled to receive an allowance from her husband under section 3 if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent. Where wife is living in adultery, or apart from her husband without sufficient reason, or by mutual consent

6 On proof that any wife in whose favour an order has been made under section 3 is living in adultery, or that without sufficient reason she refuses to live with her husband, or that they are living separately by mutual consent, the magistrate shall cancel the order. Circumstances warranting cancellation of order under section 3.

7 In the case of an application for an order under section 3 in respect of an illegitimate child, such application shall not be entertained unless made within twelve months from the birth of such child, or unless it be proved that the man alleged to be the father of such child has at any time within twelve months next after the birth of such child maintained it or paid money for its maintenance, or unless such application is made within the twelve months next after the return to this island of the man alleged to be the father of such Period within which application for maintenance of illegitimate child should be made.

child, and upon proof that he ceased to reside in this island, within the twelve months next after the birth of such child, and no order shall be made on any such application as aforesaid on the evidence of the mother of such child unless corroborated in some material particular by other evidence to the satisfaction of the police magistrate.

Evidence of mother to be corroborated.

Time of cessation of order.

8 No order for an allowance for the maintenance of any child, legitimate or illegitimate, made in pursuance of this Ordinance shall, except for the purpose of recovering money previously due under such order, be of any force or validity after the child in respect of whom it was made has attained the age of fourteen years, or after the death of such child.

Proviso.

Provided that the police magistrate may in the order direct that the payments to be made under it in respect of the child shall continue until the child attains the age of eighteen years, in which case such order shall be in force until that period.

Enforcement of order of maintenance.

9 If any person against whom an order is made under section 3 neglects to comply with the order, the magistrate may for every breach of the order issue a warrant directing the amount due to be levied in the manner by law provided for levying fines imposed by magistrates in the police courts, and may sentence such person for the whole or any part of each month's allowance remaining unpaid after the execution of the warrant, to simple or rigorous imprisonment for a term which may extend to one month.

Application for cancellation of order or alteration in amount of allowance.

10 On the application of any person receiving or ordered to pay a monthly allowance under the provisions of this Ordinance, and on proof of a change in the circumstances of any person for whose benefit or against whom an order for maintenance has been made under section 3, the magistrate may either cancel such order or make such alteration in the allowance ordered as he deems fit, provided that the maximum monthly rate under the said section be not exceeded.

Copy of order given to party.

11 A copy of the order of maintenance certified under the hand of the magistrate shall be given without payment to the person in whose favour it is made, or to his or her guardian, if any, or to the person to whom the allowance is to be paid; and any magistrate having jurisdiction in any place where the person against whom such order is made may be, shall, on the production of such order and on being satisfied as to the identity of the parties and the non-payment of the allowance due, proceed to issue such warrant, and if necessary pass such sentence as a magistrate is empowered to do by section 9.

Order enforceable in any place.

Procedure. Attendance of parties at inquiry.

12 The person applying for an order of maintenance or for a warrant to enforce such order (hereinafter called the applicant), and the person against whom such order or warrant is applied for (hereinafter called the defendant), may either appear personally or by pleader.

Provided that it shall be competent to the magistrate to require the personal attendance of either the applicant or the defendant at any stage of the inquiry.

13 The application for an order of maintenance or for a warrant to enforce such order shall be in writing, and shall be signed by the applicant, and shall bear a stamp of twenty-five cents, and every summons to a defendant or witness shall bear a stamp of fifteen cents; such stamps being supplied by the person at whose instance the defendant or witness is summoned. Inquiry how applied for. Requirement as to stamps.

Provided that the application may be made orally to the magistrate, who shall, upon the necessary stamp being supplied, reduce the application to writing and cause it to be signed by the applicant. Proviso.

Provided also that it shall be lawful for the magistrate, on being satisfied that the applicant has not sufficient means to defray the cost of such stamps, to dispense with stamps and to entertain the application and issue process as if stamps had been supplied by the applicant. Proviso.

14 Upon application being made for such order or warrant as aforesaid, the magistrate shall commence the inquiry by examining the applicant on oath or affirmation, and such examination shall be duly recorded. If after such examination there is in the judgment of the magistrate no sufficient ground for proceeding, he may make order refusing to issue a summons. Commencement of inquiry.

15 The magistrate may proceed in manner provided in chapters VI. and VII. of "The Criminal Procedure Code, 1883," to compel the attendance of the defendant and of any person required by the applicant or defendant or by the magistrate to give evidence, and the production of any document necessary for the purposes of the inquiry. Attendance of defendant and witnesses how enforced.

16 All evidence taken by the magistrate under this Ordinance shall be taken in the presence of the defendant, or, when his personal attendance is not required by the magistrate, in the presence of his pleader, and shall be recorded in the manner prescribed for trials in the police court. Form of proceedings.

Provided that it shall not be necessary to frame a charge or to record the statement of the defendant in the manner prescribed in sections 352, 368, 369, and 370 of "The Criminal Procedure Code, 1883." Proviso.

Provided also that in any proceedings under this Ordinance it shall be competent to the defendant to give evidence upon oath or affirmation as an ordinary witness, and that a wife shall be a competent witness against her husband. The parties competent witnesses.

17 Any person who shall be dissatisfied with any order made by a police magistrate under section 3 or section 14 may appeal to the Supreme Court, and every such appeal shall be subject to the provisions of section 407 of "The Criminal Procedure Code, 1883." Right of appeal.

18 The forms set forth in the schedule, with such variations as the circumstances of each case require, shall be used for the respective purposes therein mentioned. Forms.

SCHEDULE.

I.—Summons to a Defendant.

To ———, of ———.

Whereas your attendance is necessary to answer to a charge of not maintaining your wife (*name*) (*or* legitimate *or* illegitimate child) (*name, or say* child by ———, *giving mother's name*):

Or:

Whereas your attendance is necessary to answer to a charge of having committed a breach of an order of maintenance made against you under the Ordinance No. 19 of 1889 by non-payment of the allowance due to your wife (*or* child) ——— (*give name or describe as above*) for ——— (*state period*):

You are hereby required to appear in person (*or* by pleader, *as the case may be*) before the Police Court of ———, on the ——— day of ———, 18 —. Herein fail not.

Dated this ——— day of ———, 18 —.

Signature of Chief Clerk.

II.—Warrant of Imprisonment on failure to pay Maintenance.

To the Fiscal of the ——— Province.

Whereas (*name, description, and address*) has been proved to be possessed of sufficient means to maintain his wife (*name*) (*or* his child) (*name, or describe as in summons*), who is unable to maintain herself (*or* himself) and to have neglected (*or* refused) to do so, and an order has been duly made requiring the said (*name*) to allow to his said wife (*or* child) for maintenance the monthly sum of ——— rupees; and whereas it has been further proved that the said (*name*), in wilful disregard of the said order, has failed to pay ——— rupees, being the amount of the allowance for the month (*or* months) of ———, and thereupon an order was made adjudging him to undergo simple (*or* rigorous) imprisonment for the period of ———:

This is to authorize and require you, the said Fiscal, to receive the said (*name*) into your custody in the prison at ———, together with this warrant, and there carry the said order into execution according to law; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand this ——— day of ———, 18 —.

Signature ———.

III.—Warrant to enforce the Payment of Maintenance by Distress and Sale.

To the Fiscal of the ——— Province.

Whereas an order has been duly made requiring (*name*) to allow to his wife (*or* child) for maintenance the monthly sum of ——— rupees: and whereas the said (*name*), in wilful disregard of the said order, has failed to pay ——— rupees, being the amount of the allowance for the month (*or* months) of ———:

This is to authorize and require you to make distress by seizure of any movable property belonging to the said (*name*) which may be found within the district of ———, and if within (*state the number of days or hours allowed*) next after such distress the said sum shall not be paid (*or* forthwith), to sell the movable property distrained, or so much thereof as shall be sufficient to satisfy the said sum; returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand this ——— day of ———, 18 —.

Signature ———.

31st December, 1889.

No. 22 of 1889.

An Ordinance relating to Criminal Breach of Trust by Public Servants in this Colony.

(*See No. 2 of 1883.*)

Preamble.

WHEREAS it is expedient to make further provision for the protection of Government against breaches of trust by public servants: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Criminal breach of trust by public servant in respect of money or balance of money.

1 Whoever, being entrusted with, or having the dominion of any money in his capacity as a public servant, fails forthwith to pay over or produce, when required to do so by the head of his department or by the Colonial Secretary, Auditor-General, Assistant Auditor-General, or any officer specially appointed by the Governor to examine the accounts of his department, any money or balance of any money shown in the books or accounts or statements kept or signed by him to be held by or to be due from him as such public servant, or to duly account therefor, shall be guilty of the offence of criminal breach of trust, and shall on conviction be subject to the penalty provided by section 392 of the Ceylon Penal Code.

To be read with Ceylon Penal Code.

Joinder of charges.

2 This Ordinance shall be read as one with the Ceylon Penal Code; and when a person is charged with an offence under this Ordinance, he may be charged in the same indictment with any offence punishable under section 392 of the said Code, subject, however, to the provisions of section 208 of the Criminal Procedure Code.

31st December, 1889.

No. 23 of 1889.

An Ordinance relating to the Irrigation and Cultivation of Paddy Lands.

(*See No. 6 of 1892.*)

Preamble.

WHEREAS it is expedient to consolidate and amend the laws relating to the irrigation and cultivation of paddy lands in this island : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

CHAPTER I.

Preliminary.

Short title.
Commencement.

1 This Ordinance may be cited as "The Irrigation and Paddy Cultivation Ordinance, 1889 ;" and it shall come into operation at such time as the Governor shall, by Proclamation in the *Government Gazette*, appoint.*

Repeal.

2 There shall be repealed, as from the commencement of this Ordinance, the Ordinances specified in schedule I. to this Ordinance to the extent in the third column of that schedule mentioned.

Proviso I.

Provided that—

(*a*) Any district already constituted an irrigation district or declared an irrigated district, under any Ordinance hereby repealed, and any district for which rules have already been framed by the government agent under section 10 of "The Paddy Cultivation Ordinance, 1867," shall be deemed to have been duly constituted irrigation districts under this Ordinance; and

(*b*) Any rule now in force made under any Ordinance hereby repealed shall continue in force until otherwise provided ; and

(*c*) Any headman or other officer, village council or committee, or central or provincial irrigation board, elected, appointed, or established under any Ordinance hereby repealed, shall continue and be deemed to have been duly elected, appointed, and established under this Ordinance ; and

(*d*) The irrigation fund created under the provisions of the Ordinance No. 2 of 1887, including all moneys heretofore paid into such fund, shall continue to be the irrigation fund for the purposes of this Ordinance ; and

(*e*) All rates, subscriptions, contributions, charges, and assessments established, leviable, or made under any Ordinance hereby repealed shall not be in any wise prejudicially affected by reason of the passing of this Ordinance, but may be enforced, levied, or given effect to as fully and effectually as if they had been established, authorized, or made under this Ordinance ; and

* Proclaimed the 9th day of August, 1890.

(*f*) Any specification, plan, estimate, or report prepared or made in pursuance of any of the provisions of any Ordinance hereby repealed shall be deemed to have been duly prepared or made under, and for the purposes of, this Ordinance ; and

(*g*) Any enactment referring to any Ordinance or enactment hereby repealed shall be construed to refer to this Ordinance or to the corresponding enactment in this Ordinance.

Provided also that this repeal shall not affect— Proviso II.

(*h*) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed ; or

(*i*) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed ; or

(*j*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed ; or

(*k*) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid ; and any such investigation, legal proceeding, and remedy may be carried on as if this Ordinance had not passed.

3 In this Ordinance, unless the context otherwise requires— Interpretation clause.

"Proprietor" means the owner of paddy lands, and includes the cultivator or person in actual possession of any such land. "Proprietor."

"Occupant" includes a person having the charge, management, or control of any land or premises. "Occupant."

"District" means any kóralé, pattu, or village, or any other subdivision of a province which may from time to time be defined by the Governor by Proclamation in the *Government Gazette.* "District."

"Grain tax" includes the tax, duty, or share due to Government, in respect of grain grown in this island, under any of the following Ordinances : No. 14 of 1840, No. 29 of 1865, and No. 11 of 1878. "Grain tax."

For the purposes of chapters VII. and VIII., "majority of proprietors" means a majority consisting of two-thirds at least of the proprietors present. Provided that such majority shall represent at least one-third of the acreage benefited by such irrigation works, and if they do not represent one-third, then the votes of the proprietors representing two-thirds of the acreage to be benefited shall constitute the majority. "Majority of proprietors."

CHAPTER II.

Irrigation Boards and Irrigation Fund.

Central Irrigation Board.

4 There shall be a board, which shall consist of the Governor, the Surveyor-General, the Director of Public Works, and such other persons as the Governor shall from time to time appoint, of whom one at least shall be an Unofficial Member of the Legislative Council, to be styled "the Central Irrigation Board of Ceylon." In the absence of the Governor the senior official member present at any meeting of such board shall preside thereat.

Provincial irrigation board.

5 There shall be in each province a board to be styled the provincial irrigation board, which shall consist of the government agent as president, the provincial engineer of such province, and such other person or persons as the Governor may from time to time appoint. The government agent shall convene meetings of such board, and in his absence the provincial engineer shall preside thereat.

Treasurer to pay Rs. 200,000 annually into the irrigation fund.

(§ *3, 6 of 1892*)

6 The Colonial Treasurer shall, out of the general revenue of the island, pay annually as soon as may be after the first day of January into the irrigation fund, a sum of two hundred thousand rupees, and such irrigation fund shall continue to be vested in the Central Irrigation Board for the time being.

Moneys voted by the Legislative Council to be paid into the irrigation fund.

7 All moneys heretofore voted by the Legislative Council and by law made payable into the irrigation fund, and all moneys which may hereafter be voted by the said Council for irrigation works in this island, shall be paid into and shall form part of the irrigation fund for the purposes of this Ordinance.

Central Irrigation Board to prepare an estimate of sums to be apportioned from irrigation fund to the provinces.

Estimated apportionment to be laid before Legislative Council

8 The Central Irrigation Board shall annually prepare an estimate of the sums to be apportioned from the irrigation fund to each province for the construction, repair, and improvement of irrigation works therein, and for all necessary expenses incidental to the carrying out of the purposes of this Ordinance; and such estimate shall be laid on the table of the Legislative Council as soon as may be after the first day of January in each year.

Proviso.

Provided that if at any time it shall appear to the Central Irrigation Board that part of any estimated sum which has been apportioned as aforesaid to any province is urgently required to be expended on irrigation works in another province, it shall be lawful for such board to make such re-apportionment as to it may seem just; and a statement of the sums so re-apportioned shall be included in the annual report of the said board.

Proviso.

Provided also that only such moneys paid into the irrigation fund as have not been voted by the Legislative Council for specific works shall be apportioned or re-apportioned to each province.

9 Reports of the proceedings of the Central Irrigation Board and of the provincial irrigation boards shall be prepared annually and laid before the Legislative Council; and the report of the Central Irrigation Board shall contain a statement of the balances, if any, remaining unexpended on the money votes of the Legislative Council for specific irrigation works after such works have been fully completed.

Reports of irrigation boards to be annually submitted to Legislative Council.

10 All acts whatsoever authorized or required by virtue of this Ordinance to be done by the Central Irrigation Board or by any provincial irrigation board may and shall be decided upon and done by the majority of members of such board present at any duly convened meeting thereof, such members being not less than three in number where the board consists of four or more than four members, and not less than two in number where the board consists of less than four members. Provided, that when the votes of the members present in regard to any question shall be equally divided, the member presiding at the meeting shall, besides his vote as a member, have a casting vote.

All acts required to be done by irrigation board to be done by a majority of the members of such board.

President to have a casting vote.

CHAPTER III.

Irrigation Districts.

11 (1) It shall be lawful for the Governor, with the advice of the Executive Council, upon the application of a reasonable number of the proprietors in any district, or if without such application it shall appear expedient, by Proclamation for that purpose to be published in the *Government Gazette*, to declare such district an irrigation district for the encouragement and extension of paddy cultivation therein, and for the better enforcement of the ancient customs of such district in regard to the irrigation and cultivation of paddy lands and the maintenance of the water-rights of such proprietors.

Governor in Executive Council may proclaim irrigation districts.

(2) The government agent shall, as soon as may be after the publication of such Proclamation as aforesaid, call a public meeting of proprietors within such district for the purpose of determining by a majority of votes, as hereinafter provided, whether this Ordinance shall be carried into operation with the aid of headmen or of village councils, or of both. Provided that, in case the extent of the district should render more meetings than one necessary, the government agent may form several divisions of each district and hold a meeting in each division.

Government agent to call public meeting of proprietors.

Proviso.

12 The government agent shall, one month at least before the day of holding any such meeting, cause notices to be published throughout such district, in such manner as shall appear to him best adapted for giving the greatest publicity thereto, of the day and place appointed for holding such meeting, and of the object for which the same is to

Public notice of such meeting.

be held ; and shall in such notices call upon all proprietors within any such district or division to attend in person, or by proxy in writing, at such meeting for the purposes aforesaid.

Proceedings at such meetings.

Appointment of committee to draw up rules.

13 (1) Every meeting so convened shall be held at the time and place appointed, in the presence of the government agent ; and at every such meeting every proprietor within the district or division for which the meeting has been called, who shall be present thereat either in person or by proxy in writing, shall be entitled to vote.

(2) It shall be the duty of the government agent to explain to the proprietors the results that would, according to this Ordinance, follow from the adoption of the different modes of carrying the Ordinance into operation, and the provisions generally of the Ordinance.

(3) The proprietors at such meeting shall appoint a committee of not more than twelve nor less than three persons to be associated with the government agent or with any person duly authorized by the government agent for the purpose of drawing up rules for the encouragement and extension of paddy cultivation and the enforcement of the said ancient customs, and for consulting with and advising him in matters connected with irrigation in the district.

Provided that where more meetings than one are held for any district, it shall be the duty of the government agent to see that each division is allowed to appoint its proportion of the committee to make up the number for the entire district. Provided also that if any members of such committee shall die or leave the district, or shall refuse to act, it shall be lawful for the government agent to appoint others in their stead.

(4) The government agent shall enter or cause to be entered in the minutes of such meeting the questions or resolutions proposed thereat, and the number of votes given for and against the same ; and shall, at the close of such meeting, sign the said minutes, and publicly declare the result of the votes given thereat, and shall cause the said minutes to be deposited in the provincial or district kachchéri, as may be most convenient, and copies thereof, certified under his hand, to be transmitted to the Colonial Secretary.

Objections to votes how decided.

14 If at any such meeting any question shall be raised as to the right of any person to vote, it shall be lawful for the government agent then and there to make such inquiry as he may deem requisite, and to declare whether such person has the right of voting or not ; and the decision so made shall be final. And an entry shall be made in the minutes of such meeting of any such question and of the decision thereon.

Majority to decide.

15 All questions or resolutions proposed at any meeting held under the provisions of section 13 shall be determined by a majority consisting of two-thirds at least of the persons present and entitled to vote thereat.

16 If owing to the sparseness of the population or the circumstances of the inhabitants of any district, or from any other cause, no public meeting of the proprietors within such district can be convened or held in manner hereinbefore provided, it shall be lawful for the government agent, after making due inquiry, to draw up such rules as are referred to in section 13, and generally for carrying out the purposes of this Ordinance. And this Ordinance shall in such districts be carried out with the aid of irrigation headmen appointed by the government agent, and such headmen shall have the powers and protections, and be subject to the duties and responsibilities, which headmen appointed provisionally or permanently under chapter IV. have or are subject to.

Government agent may make rules in districts where proprietors cannot publicly meet.

17 Whenever an act shall be committed contrary to the said customs or rules, or a complaint be made or a question arise having relation to the matters provided for by this Ordinance, such act, complaint, or question shall be investigated and dealt with in manner provided in chapter IV. or chapter VI., according to the nature of each case.

Mode of enforcing customs and rules

CHAPTER IV.

Irrigation Headmen.

18 If the result of the meeting referred to in section 13 should render it necessary, there shall be elected in the manner hereinafter provided one or more headmen for the district or division for which the meeting has been called, whose duty it shall be, subject to the direction and control of the government agent, to attend to all matters connected with the irrigation and cultivation of the paddy lands therein, and the maintenance of rights and works connected therewith, and to prevent, so far as in his power lies, any act, whether of commission or omission, contrary to the ancient customs in reference thereto, or whereby damage may accrue to any of the proprietors.

Headmen to be elected.

Their duties.

19 (1) The headmen shall be elected by a majority of the proprietors present at any such meeting as aforesaid, either in person or by proxy in writing.

(2) It shall be lawful for the government agent at any time to dismiss any headman so elected or to be thereafter elected as hereinafter provided, who shall be guilty of any misconduct in the execution of his office ; and in every such case, or in the case of any vacancy by death or resignation, the government agent shall, by proper and reasonable notices, summon a meeting of the proprietors of the district or division in respect of which a new headman is required ; and at such meeting another headman shall and may be elected by such majority as aforesaid. In case no person

Elections how conducted, &c. Appointment by government agent failing election.

shall be elected at any such meeting for the office of headman, the government agent shall himself appoint a person to such office, and it shall be further lawful for the government agent to appoint a headman provisionally until one can be elected.

(3) No person who has been convicted of any infamous crime shall be eligible to be elected or appointed a headman.

Duties of headmen.

20 Whenever any act shall be committed contrary to such ancient customs or whereby damage may accrue to any of the proprietors within any such district or division as aforesaid, the headman thereof shall forthwith repair to the spot, and if the act complained of be of a nature to call for prompt action to prevent injury, shall take such steps as shall be necessary to place matters in the state in which they were, and thus to remedy the evil likely to arise; and shall forthwith report the matter to the government agent.

Proviso.

Provided that whenever the headman can safely defer taking any steps until he shall have been able to communicate with the government agent, it shall be his duty to desist from action until he shall have received the instructions of the government agent. And provided further, that in cases where the headman shall have taken prompt action to prevent injury such prompt action shall not be held to prevent the act complained of being investigated by the village council in districts where both systems exist.

Mode of recovering expenditure incurred by headmen.

21 Whenever a headman shall incur any expenditure in the execution of his duty as aforesaid, and the person in consequence of whose act such expenditure was incurred shall deny his liability to pay the same, or fail to satisfy it, the government agent shall, on his being satisfied that such expenditure was properly incurred, and that it is reasonable, sign a certificate thereof setting out the name of the person in consequence of whose act such expenditure was incurred, the amount thereof, the nature of the act complained against, and the name of the headman by whom the expenditure was incurred, and transmit the same to such person. And if such person shall fail to pay the same within ten days from the service of the certificate, the government agent shall proceed to recover the same as provided in chapter IX. of this Ordinance.

Liability of headmen.

22 If any headman shall fail or neglect to perform the duties devolving upon him, or shall act in excess of the authority hereby conferred upon him, or in bad faith, or without probable cause, or wantonly and maliciously, he shall, besides being answerable in damages to the person injured by his act, whether of commission or omission, be guilty of an offence, and be liable to a fine not exceeding fifty rupees.

Resistance to headmen.

23 Any person unlawfully resisting, molesting, or obstructing any headman in the execution of any duty imposed upon him by this Ordinance shall be guilty of an offence, and be liable to a fine not exceeding fifty rupees.

Payment to irrigation headmen.

24 It shall be at the discretion of the committee appointed under section 13, or for the government agent if no committee shall have been appointed, to award remuneration to irrigation headmen for their services as such, either in kind from the produce of the division for which each such headman shall be appointed, or in money, and the proprietors of the paddy lands within such district or division shall be liable to make such remuneration, and, in case of default, the same shall be recovered from them as is provided in chapter IX. of this Ordinance.

CHAPTER V.

Rules for enforcing Customs.

Rules how to be made valid and binding.

25 All rules framed under the provisions of section 13 or 16 shall be transmitted by the government agent to the Governor, for the approval or disallowance thereof by the said Governor, with the advice of the Executive Council; and in case such rules shall be approved, notice of such approval shall be given by Proclamation; and the said rules shall be published in the *Government Gazette*, and in the district in such manner as to the government agent shall seem expedient, and shall thereupon become binding upon all proprietors within the said district, and shall be as legal, valid, and effectual as if the same had been inserted herein: Provided that nothing contained in such rules shall be repugnant to, or inconsistent with, the true intent and meaning of this Ordinance.

Rules may be added to, amended, or repealed.

26 The government agent may, if to him it shall seem advisable, and shall, upon the requisition of a reasonable number of the proprietors of the district where any rules for the enforcement of ancient customs are in force, call a public meeting of the proprietors for the purpose of adding to, amending, or repealing such rules, or any of them, or he may in any case in which he shall have drawn up rules under the provisions of section 16, himself add to, amend, or repeal any such rules, or draw up new rules in lieu thereof. Provided that any alteration of any rules so in force, whether by way of addition, amendment, or repeal, made by proprietors under the provisions of this section, shall be determined on at a public meeting duly convened in manner provided by chapter III., and by such a majority as is required by section 15, and under and subject to the provisions with regard to original rules contained in the said chapter, and that all such alterations and all alterations by way of addition, amendment, or repeal, and all new rules made by the government agent under the provisions of this section, shall be transmitted to the Governor for approval or disallowance, and shall, if approved, be published as in section 25 provided.

CHAPTER VI.

Village Councils.

How village councils are to be convened, and their mode of procedure.

27 Whenever it shall seem to him necessary to convene a village council in any district in which the proprietors have under section 13 determined to adopt the aid of such councils, the government agent shall cause notice to be given in the village where the party complained against resides, or where the act, whether of omission or commission, is alleged to have taken place, in such manner as shall appear to him best calculated for making the same generally known to the parties concerned, of the time and place appointed by him for the investigation of such complaint; and at the appointed time and place the complaint shall be publicly inquired into by the government agent, or some person specially deputed by him for the purpose as president, assisted by a village council, chosen in manner hereinafter mentioned. Every such inquiry shall take place in the presence of the party complained against, who shall have full liberty to make his defence before such council, unless, in case of his absence, it is proved to the satisfaction of the council that he has had notice of the intended meeting, and has no valid excuse for being absent therefrom. And if such village council shall, at the close of the inquiry, be of opinion that the party complained against has committed a breach of the rules, and such opinion shall be concurred in by such government agent or person deputed as aforesaid, the village council shall forthwith award and adjudge that the person so offending do pay a penalty not exceeding thirty rupees. But no sentence shall be carried into execution unless confirmed by the government agent; and in case the inquiry be conducted by any one deputed by the government agent, the proceedings shall forthwith be submitted to the government agent for confirmation.

Proceedings before a deputy to be submitted to the agent.

Deputation to convene village councils, and to act as presidents thereof, need not be special.

Provided that village councils to try breaches of rules may be convened by any person deputed by the government agent in any irrigation district, and such deputation, as well as the deputation to be given by the government agent under this section to any person to act as president in inquiring into any complaint of the nature herein referred to, need not be special in each case: a general deputation to any person in the district to convene village councils when necessary, or to act as president thereof, will be sufficient.

Village council how constituted.

28 The village council shall consist of not less than three nor more than seven men, selected by the president of such council from among the proprietors of paddy lands situated in the district. The government agent, or some person deputed by him for the purpose, shall be the president of such council, and shall conduct and keep a record of the proceedings thereof; but he shall not vote upon any question arising for the determination of the council unless the votes of the members shall be equally divided, when he shall have a casting vote.

29 It shall be lawful for the government agent, or any person by him authorized thereto under his hand (hereinafter referred to as the inquirer), to inquire into breaches or alleged breaches of any rules made under section 16, and to hear, try, and determine all questions concerning the same, and to adjudge and award that offenders do pay the penalty fixed by section 27 or any penalty prescribed by such rules. Provided that no penalty so awarded by an inquirer, or any sentence of imprisonment in default of payment thereof, shall be enforced unless confirmed by the government agent.

Government agent or person authorized by him to try breaches of rules.

30 It shall be the duty of the government agent or the inquirer to record in writing the proceedings at such inquiry, and to transmit such record to the kachchéri to be there filed of record.

Proceedings to be filed of record in the kachchéri.

31 The proceedings before the village council, government agent, or inquirer shall be summary, and not subject to the formalities of judicial proceedings, and it shall be the duty of such council, government agent, or inquirer to do substantial justice on all questions coming before them or him, and no advocate, proctor, or agent shall be permitted to appear on behalf of any complainant or defendant or other person affected by such proceedings.

And to be summary and free from any formalities.

32 No appeal shall lie to any court against the decision or award of any such council, government agent, or inquirer on any plea or pretext whatsoever, nor shall any injunction be issued by any court in respect of any matter of which they or he may take cognizance by virtue of this Ordinance; but it shall be competent to the government agent to take action in any case in which any person feeling aggrieved by any such decision may apply to him for relief, and to make, or direct to be made, further inquiry into the matter in question, or to order a new inquiry, or to modify or reverse the decision.

No appeal or injunction allowed, but party aggrieved may petition the Governor after applying for relief in the first instance to the government agent.

Provided always that it shall be the right of any person feeling aggrieved as aforesaid to apply to the Governor by petition if he should fail to obtain the desired relief in the first instance from the government agent; and it shall be lawful for the Governor, with the advice of the Executive Council, to direct further inquiry or to confirm, modify, or reverse such decision.

Proviso.

Provided also that the powers conferred by this section on the government agent to take action in any case in which an aggrieved person may apply to him for relief, shall not be exercised unless application for that purpose shall be made to him by a written petition within fourteen days, exclusive of Sundays and public holidays, from the date on which the decision complained of shall have been given; and no petition to the Governor under this section shall be entertained unless the same is received within fourteen days, exclusive of Sundays and public holidays, from the date on which the decision of the government agent shall have been communicated to the petitioner.

Proviso.

Penalty for breach of rules how enforced.

33 Whenever any person shall be adjudged by such council, government agent, or inquirer to pay any penalty as aforesaid, the president of such council, the government agent, or inquirer may, unless the same be forthwith paid, sentence the defaulter to simple or rigorous imprisonment for any period not exceeding fourteen days. And every fiscal or deputy fiscal shall, within the province or district for which he is respectively empowered to act, execute such sentence, and the provisions of sections 5, 8, and 81 of "The Prisons Ordinance, 1877," shall extend and apply to warrants of commitment issued by such president, government agent, or inquirer in pursuance of such sentence.

Appropriation of penalties.

34 In awarding any penalty, it shall be competent for such council, government agent, or inquirer to direct such portion thereof as they or he shall deem fit to be paid when recovered to the person injured or aggrieved by the act or omission in respect of which such penalty has been imposed (on condition that such person, if he shall accept the same, shall not have or maintain any suit for the recovery of damages for the loss or injury sustained by him by reason of such act or omission), and such other portion thereof when recovered, as they or he shall deem fit, to the persons employed to do the work which ought to have been done, or to repair the mischief done, by the defendant. The balance, if any, shall be appropriated in aid of such minor irrigation works as the government agent shall determine. Provided that in districts in which a committee has been appointed under section 13, such appropriation shall be determined jointly by the government agent and such committee.

CHAPTER VII.

Construction, Repair, and Improvement of Irrigation Works.

Means to provide for construction, repair, or improvement of irrigation works, &c.

35 In order to provide means for the construction, repair, or improvement of works connected with the cultivation of paddy lands, and to keep channels which supply water to such lands free from obstruction and in proper order, it shall be lawful for the government agent, at his own instance or on the application of a reasonable number of the proprietors, to call a meeting of the proprietors of the allotments of land likely to be benefited by any proposed work, to determine by a majority of the proprietors present either in person or by proxy in writing, whether it is expedient that such works be, in whole or in part, constructed, repaired, or improved, or such channels be kept free from obstruction and in proper order; and, if so, whether or not Government aid is necessary for such work. If the majority present shall determine that such aid is not necessary, they shall proceed to determine further the rate of subscription in money or of contribution in labour payable by each proprietor towards the work, and their decision shall be recorded and shall be binding on all the proprietors of allotments of land benefited by such work,

Where Government aid is not deemed necessary.

36 If a majority of the proprietors shall determine, or if, in the case of any such district as is referred to in section 16, it shall appear to the government agent, that Government aid is necessary for the construction, repair, or improvement of any irrigation works, the government agent shall make application, with or without conditions, for such aid to the provincial irrigation board; such application shall be accompanied by a specification showing the allotments of land likely to be benefited by the proposed work, and the names, so far as he can ascertain the same, of the proprietors of such allotments; and it shall be lawful for the provincial irrigation board, if it shall appear expedient to it to do so, to cause a plan and an estimate of the work to be prepared.

Mode of applying to provincial irrigation board for Government aid.

Provincial irrigation board may, if it thinks fit, cause plans and estimates to be prepared.

37 (1) If the estimate of any such irrigation work does not exceed two thousand five hundred rupees, the provincial irrigation board may, with the sanction of, and subject to such conditions, if any, as may be approved by the Central Irrigation Board, execute such work.

If estimate does not exceed two thousand five hundred rupees, provincial irrigation board, with sanction of Central Board, may execute work

(2) If the estimate of any such irrigation work exceeds the sum of two thousand five hundred rupees, it shall be lawful for the provincial irrigation board to refer the same to the Central Irrigation Board, together with the plan of the proposed work and the specification of the lands which will be benefited thereby, accompanied by a report upon the advisability of undertaking such work. After receiving such report it shall be lawful for the Central Irrigation Board to sanction the execution of the work, subject to such conditions, if any, as to it may seem just, and to cause the same to be executed by the provincial irrigation board; and such sanction shall be published in each village affected by the work by beat of tom-tom.

If estimate exceeds two thousand five hundred rupees, reference to be made to Central Irrigation Board, who may sanction work.

38 The cost of all works undertaken in any province under the last preceding section in any one year shall be defrayed from, and shall not exceed, the portion of the irrigation fund apportioned to such province for that year.

Limit as to cost.

39 If the Central Irrigation Board shall at any time deem it expedient to undertake the construction of any irrigation work the cost of which cannot be provided for from the irrigation fund at its disposal, it shall be lawful for such board to forward an application to the Governor, in Executive Council, setting forth the necessity for, and the probable cost of, such work, together with a specification of the lands which will be benefited thereby; and thereupon the Governor may, with the advice of the Executive Council, direct the said board to report as to the best mode of carrying out such work, and to procure and submit to him a plan and an estimate in due form.

Application to Governor in Executive Council by Central Irrigation Board, in case of works the cost of which cannot be defrayed from the irrigation fund.

Plan and estimate.

40 If the Governor in Executive Council shall at any time deem it expedient to undertake the construction of any irrigation work the cost of which cannot be provided for from the irrigation fund, but in respect of which no

Governor in Executive Council may call upon Central

Board to report on similar works.

application under the last preceding section has been made, it shall be lawful for the Governor, if he thinks fit, to direct the Central Irrigation Board to report as to the best mode of carrying out such work, and to frame and to submit to him a plan and an estimate in due form.

Governor, with advice of Executive Council, may ask Legislative Council for a money vote.

41 Upon the receipt of the report made by the Central Irrigation Board and of the estimate prepared by it under section 39 or section 40, it shall be lawful for the Governor, if to him, with the advice of the Executive Council, it shall appear expedient so to do, to propose such estimate in the Ordinance making provision for the contingent expenditure of the colony for the ensuing year, or for any year thereafter, to be brought before the Legislative Council to be dealt with as any other estimate so proposed.

Works to be executed by the provincial irrigation board.

42 The Central Irrigation Board shall, subject to such conditions, if any, as to it may seem just, cause the specific works in aid of which moneys shall have been voted by the Legislative Council on such estimates as aforesaid, to be undertaken and executed by the provincial irrigation board of the province in which such works have to be constructed, repaired, or restored; and the sum voted by the said council in aid of each such specific work shall be expended exclusively upon it, and for no other purpose.

Proviso.

Unexpended balances.

Provided that if any balances remain unexpended after the completion of such works, the same shall be applied in reduction of the amount which the Legislative Council may thereafter be asked to vote for other specific works.

Cost of works to be a first charge on allotments of land benefited thereby, except in case of exemptions by Central Irrigation Board.

43 (1) Whenever any such irrigation work is undertaken as is contemplated in section 37 or 39, the proprietors of the several allotments of land to be benefited by the work (as set out in the specification prepared as hereinbefore provided) shall become and be severally bound to repay the cost of such work (save and except when the Central Irrigation Board has, under any conditions approved by it under section 37 or 42, exempted any proprietor or proprietors from the repayment of such cost).

(2) The government agent shall have power to alter and amend the specification from time to time, and to enlarge it as additional lands may be benefited.

(3) Such specification shall be conclusive on the point that the several allotments of land therein mentioned are liable for the repayment of the said cost, which shall be a first charge upon the said several allotments, and shall take precedence over all mortgages, hypothecations, and encumbrances whatsoever.

(4) Every specification prepared under this chapter and all alterations and amendments of the same shall from time to time be published in the *Government Gazette.*

Cost how to be recovered.

44 Such charge shall extend as respects each allotment to the proportion due from each allotment as assessed under the provisions of this Ordinance, and shall be recovered in the manner provided in chapter IX. of this Ordinance.

Provincial irrigation board shall execute the work, option being left to proprietors to execute the earthworks.

45 The provincial irrigation board shall cause to be executed every irrigation work undertaken under the provisions of this chapter, but the option shall always be given to the proprietors whose allotments are to be benefited by the work, to perform the necessary earthworks connected therewith, at their own expense, unless such proprietors shall have been exempted therefrom by the Central Irrigation Board under the conditions referred to in section 43. Provided, however, that it shall be lawful for the officer in charge of the work to cause the earthworks to be otherwise performed if the proprietors fail to perform the same when required to do so, or perform the same unsatisfactorily.

Acquisition of land for irrigation purposes.

46 If land be wanted for keeping water-courses and channels free from obstruction, or for the construction, repair, or improvement of any work connected with irrigation, and there is any hindrance to the acquisition thereof, the Governor may declare that the land is needed for public purposes, and may order proceedings for obtaining possession of the same for Government, and for determining the compensation to be paid to the parties interested, according to any laws now or hereafter to be in force for the acquisition of land for public purposes. And the sum paid as compensation shall be included in the cost of the work, to be recovered as hereinafter provided.

CHAPTER VIII.

Cost of Irrigation Works, and of their Maintenance.

Contribution by proprietors in repayment of sum expended.

47 The sum expended in the execution of any irrigation work shall be payable in ten equal yearly instalments. The government agent shall assess the proportion due for each allotment, including such allotments as may belong to the Crown, by dividing the sum expended from the irrigation fund in executing the work by the total number of acres of the several allotments benefited by the work as appearing in the specification as aforesaid, and thus apportion the amount due upon each allotment. And the government agent shall thereupon transmit to the proprietor of each land a requisition calling upon him to pay to such government agent, on the days in each year specified in the said requisition, the amount of the contribution due for the allotment of which he is proprietor, to make up the amount defrayed from the irrigation fund. If the proprietor be absent from the village, or if there be more than one proprietor for any allotment, or if from any cause the requisition cannot be served on the proprietor, the government agent shall cause such requisition to be affixed in some conspicuous part of the allotment, and the government agent shall further cause a notice to be published in the village, by beat of tom-tom, on three different occasions, specifying the allotments which will have to contribute towards the cost defrayed from the irrigation fund, the sum each allotment is assessed at, and

the time within which the different instalments due upon each allotment are to be paid to the government agent.

Proprietors may determine either that the sum expended may be repaid in ten annual instalments, or that the lands may be liable to a charge in perpetuity for interest and cost of upkeep.

Provided that it shall be competent to a majority of the proprietors, at a meeting of the proprietors of the allotments of land benefited or to be benefited by any proposed work convened under section 35, or at any other meeting to be held for that purpose (and which said meeting it shall be lawful for the government agent to convene at his own instance or on the application of a reasonable number of such proprietors), to determine either that the sum to be expended from the irrigation fund in the execution of any work shall be repaid in ten annual instalments, as hereinbefore provided, or that the lands benefited or to be benefited by the said work shall be liable to a charge in perpetuity for interest on the sum so expended and the cost of upkeep, which said cost shall be borne by the irrigation fund. At such meeting as aforesaid, plans and an estimate of the cost of such work shall be laid before the meeting to enable the majority of proprietors to come to a determination as aforesaid.

Such charge to be fixed by the Governor in Executive Council.

48 Such charge in perpetuity shall be at a rate to be fixed from time to time by the Governor, with the advice of the Executive Council. Provided that such charge shall not be in excess of one rupee per acre per annum, and shall in no case exceed in the aggregate seven and a half per cent. on the cost of the work.

Such option may be exercised even as respects works already constructed, commenced, or determined upon.

49 In any case in which any irrigation work shall have been already constructed or commenced, or determined upon for construction with Government aid under any Ordinance hereby repealed, it shall be lawful for a majority of the proprietors of the allotments of land benefited or to be benefited by such irrigation work, at a meeting to be convened as provided for in section 47, to convert the repayment by annual instalments into a charge in perpetuity, as hereinbefore provided.

Payment in kind may be substituted for payment of instalment or of annual rate in perpetuity.

Proviso in case of default.

50 It shall be lawful for the government agent to receive in kind, instead of in money, the ten annual instalments or the payment in perpetuity. Such payment in kind shall be made at such rate of commutation, and shall be collected in such manner, as the Governor shall from time to time direct and appoint. Provided that if default be made in the delivery of produce at the time and place appointed by the government agent, the amount of the instalment, or the rate in perpetuity for which such payment in kind shall have been substituted, shall be recovered in the manner provided in chapter IX. of this Ordinance.

Means to provide for the upkeep and maintenance of irrigation works.

51 Whenever any irrigation work has been or shall hereafter be constructed, and the cost thereof has been or shall hereafter be repaid by ten annual instalments, either in money or in kind, the lands benefited by such irrigation work and the proprietors thereof shall forthwith, upon the expiration of the period of ten years as aforesaid, become and be severally bound and liable to an annual charge or

rate not exceeding ten cents per acre for the upkeep and maintenance of such irrigation work. The said rate shall be assessed in the manner hereinafter provided, and shall be a first charge upon the several lands benefited as aforesaid, and shall take precedence over all mortgages, hypothecations, and encumbrances whatsoever.

Government agent to assess rate to be contributed by lands benefited by irrigation works for maintenance of same.

52 The government agent of the province in which any such irrigation work has been constructed shall, within one year from the expiry of the period of ten years in the previous section mentioned, assess the rate which each land (including Crown lands) benefited by such work shall contribute annually for the maintenance of such work, and shall revise such assessment once at least in every five years, and a copy of every such assessment and revised assessment shall be served on each of the proprietors, and every such assessment and revised assessment shall be published in the village in the manner prescribed by section 47 of this Ordinance.

Recovery of rate for maintenance.

53 The rate so assessed shall be due and payable in respect of each land on the thirty-first day of March in every year; and the recovery of the rate shall be made under, and be subject to, the provisions contained in chapter IX. of this Ordinance.

CHAPTER IX.

Recovery of Money due under this Ordinance.

Seizure and sale of property of defaulters.

54 (1) If default be made in the payment of any instalment, charge, or rate due under this Ordinance in repayment of any amount expended on the construction, repair, improvement, upkeep, or maintenance of any irrigation work, it shall be lawful for the government agent or any person authorized by writing under his hand to seize the land herein declared specially bound and liable for such repayment or any crop or produce thereof, or any movables thereon, to whomsoever such land, crop, or movables may belong; and if the amount of such instalment, charge, or rate, together with any costs payable under section 56, shall not be sooner paid or tendered, to sell the property so seized by public auction at any time not less than twenty-one days from the date of such seizure.

(2) If default be made in the payment of any other sum payable under this Ordinance, it shall also be lawful for the government agent or any person authorized by writing under his hand to proceed to seize any property whatsoever belonging to the defaulter, wheresoever the same may be found, and to sell the same by public auction at any time not less than twenty-one days from the date of seizure, if such sum, together with any costs payable under section 56, shall not be sooner paid or tendered.

Proviso.

Proviso

Provided that no seizure of any land shall be made under this section if the defaulter surrenders sufficient free and unclaimed movable property to satisfy the total amount due by him. Provided also that no land seized under sub-section (1) shall be sold until and unless the crop or produce thereof, and the movables thereon, if any, shall have been first sold, and shall have failed to realize sufficient to cover the total amount due.

(3) In all cases, the sale of immovable property shall be conducted on the spot, unless the government agent shall otherwise direct or unless the defaulter shall consent to the sale being conducted elsewhere.

Keeping a person in charge of property seized.

55 It shall be lawful for the person making the seizure to place and keep a person in possession of the property so seized as aforesaid pending such sale, if authorized thereto by general or special instructions issued by the government agent.

Costs of seizure and sale.

56 It shall be lawful for the government agent, or any person authorized by him as aforesaid, to demand, take, and receive from such defaulter, or from the owner or any joint owner of any property lawfully seized, the several sums of money mentioned as follows :

(*a*) For cost of proceeding to seize property,—a charge not exceeding fifty cents for every ten rupees due.

(*b*) For keeping a person in possession,—a charge not exceeding fifty cents per day.

(*c*) For the expenses of sale,—a charge not exceeding twenty-five cents for every ten rupees of the net proceeds of the sale.

Return of overplus to owner or person making default.

57 In the event of a sale of property seized, the government agent at whose instance such seizure was made shall, after deducting the amount due as aforesaid, and also the costs payable under section 56 (which said costs such agent is hereby authorized to retain), restore the overplus, if any, arising from such sale to the owner or joint owners of the property sold.

Certificate of sale.

58 (1) If land be sold, a certificate substantially in the form given in schedule II. hereto, signed by the government agent, shall be sufficient to vest the land sold in the purchaser, and in the case of land sold under sub-section (1) of section 54 or section 64, the same shall so vest free from all incumbrances whatsoever, any law or custom to the contrary notwithstanding. Such certificate shall be liable to the stamp duty fixed on conveyances of immovable property, and to any registration or other charges authorized by law, such duty and charges being payable by the purchaser.

(2) If the land so sold be purchased on behalf of the Crown by the government agent, who is hereby authorized to bid for and purchase the same, the certificate, which shall not be liable to any stamp duty, shall be substantially in the form given in schedule III. hereto.

CHAPTER X.

Miscellaneous.

Plan or survey of channels, water-courses, tanks, and ponds to be conclusive.

59 Whereas it is necessary to keep channels of drainage, water-courses, ponds, and tanks free from obstruction, and to prevent encroachment thereon : It is hereby enacted that if by any plan or survey, purporting to have been made under the authority of the Surveyor-General, it shall appear that any channel, water-course, pond, or tank has been encroached upon by any person, such plan or survey shall be deemed and taken to be conclusive proof of the facts exhibited therein, unless satisfactory proof to the contrary shall be established.

Removal of obstruction or encroachment.

60 It shall be lawful for the government agent to give order verbally, or by notice in writing, to any person obstructing or encroaching upon any channel, water-course, pond, or tank situate within his province, forthwith to remove such obstruction or encroachment or abate the same. And if any such person to whom such order shall have been given shall refuse or neglect to comply with the same within a reasonable time, or if there be any doubt as to who is the proper person to whom such order should be given, it shall be lawful for the said government agent to cause any such obstruction or encroachment to be forthwith removed or abated ; and for that purpose it shall be lawful for the said government agent, or any person thereto authorized in writing by the government agent, where necessary, to enter into any garden, enclosure, or other premises, and to cause to enter therein such persons, with such instruments and things as may be necessary, and to proceed to do therein, or cause to be done all such things as may be necessary for such removal or abatement, and for the removal of the earth or substances put into or obstruction made of such channel, water-course, pond, or tank. And the government agent shall proceed to recover the costs which have been *bonâ fide* incurred in effecting such removal or abatement from the party on account of whose non-compliance with any such order such costs were incurred, in manner provided in chapter IX. of this Ordinance.

Notice by government agent to remove obstruction of water-course or ela used for

61 (1) If any person by clearing or draining any land or premises, or by doing any act whatsoever in or upon the same, shall cause any channel, water-course, or ela used for irrigation purposes to be blocked up or in any way obstructed by silt, earth, or any other substance, it shall be lawful for

irrigation purposes, and to provide proper drainage works.

the government agent of the province within which such land or premises may be situate, to give order to the owner or occupant thereof, by written notice, within a reasonable time to be specified in such notice to—

(*a*) Remove forthwith any such silt, earth, or other substance;

(*b*) Provide all such drains, pipes, and other works as may be necessary to carry off the water from such land or premises to some point or points where it can be passed over or under such channel, water-course, or ęla.

Service of notice.

(2) A copy of such notice shall be affixed in some conspicuous place on such land or premises, and another copy shall be sent by registered letter through the post, addressed to such owner or occupant, and if so sent shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post.

(3) In proving such service, it shall be sufficient to prove that the letter was properly addressed and registered at the post office.

Proviso.

Provided, however, that nothing in this section contained shall apply to—

(*a*) Any channel, water-course, or ęla which has been or may hereafter be cut, opened, or constructed for irrigation purposes within a period of not less than one year after such land or premises or portions thereof shall have been cleared and drained for cultivation, except in so far as such channel, water-course, or ęla may be so blocked up or obstructed by reason of any further and additional clearing carried on, or any further and additional drains opened, on such land or premises or portions thereof after such channel, water-course, or ęla has been so cut, opened, or constructed as aforesaid; or

(*b*) Any channel, water-course, or ęla which has been or may hereafter be cut, opened, or constructed for irrigation purposes through, and without payment of compensation to the owner of, any land or premises not cleared and drained for cultivation.

Person noticed may apply to district court for injunction.

62 (1) The owner or occupant against whom any order is made under the last preceding section shall—

(*a*) Perform within the time specified in the order the act directed thereby; or

(*b*) Apply within ten days from the date of the service of the said notice, by petition to the district judge of the district in which such land or premises may be situate, for an injunction to restrain the government agent from enforcing such order, on the ground that the same is contrary to law. And every such petition shall be accompanied by an affidavit containing a statement of the facts on which the application is based.

(2) Upon receiving such application the district judge shall forthwith cause copies of the said petition and affidavit to be served on the government agent, and shall fix an early day for inquiry into the matter and give notice thereof, both to the applicant and the government agent. If the district judge, after taking such evidence as the parties may adduce, or he himself may require, is satisfied that the order is contrary to law, he shall issue such injunction as aforesaid, but if he is not so satisfied he shall make absolute the order of the government agent, and in either case he shall award such costs as he shall deem meet.

In default of person noticed, government agent may cause to be removed obstruction by silt, earth, or other substance, and prevent a recurrence of the same.

63 If such owner or occupant to whom such order shall have been given shall refuse or neglect to comply with the same, the said government agent shall, if no injunction as aforesaid shall have been served upon him within thirty days from the expiration of the time specified in the notice issued under section 61, cause any such silt, earth, or other substance to be forthwith removed, and shall provide such drains, pipes, and other works as may be necessary; and for that purpose the government agent shall have power, and he is hereby authorized, to enter into any land or premises, and to cause to enter therein such persons with such instruments and things as may be required.

Costs to be a first charge, and recoverable under chapter IX.

64 (1) The costs which have been *bonâ fide* incurred by the government agent under section 63 shall be certified under his hand, and shall be a first charge on such land or premises, and on any crop or produce thereof, and on any movables thereon.

(2) The government agent shall proceed to recover such costs by seizing and selling such land, premises, crop, produce, or movables, in manner provided in section 54, and the provisions of chapter IX. of this Ordinance shall, *mutatis mutandis*, apply to every such seizure and sale.

Powers given to government agent may be executed by any assistant agent.

65 All the powers, duties, and obligations entrusted to, or imposed on, the government agent by this Ordinance, shall and may be executed and performed by any assistant government agent within the limits of his district.

SCHEDULE I.

Number and Year.	Title.	Extent of Repeal.
21 of 1867	"The Paddy Cultivation Ordinance, 1867"	The whole Ordinance
2 of 1873	An Ordinance to amend "The Paddy Cultivation Ordinance, 1867"... ...	do.
2 of 1874	An Ordinance to extend the operation of the Paddy Cultivation Ordinance, No. 2 of 1873	do.
42 of 1884	An Ordinance to amend "The Paddy Cultivation Ordinance, 1867"	do.
2 of 1887	An Ordinance relating to Irrigation Works	do.

SCHEDULE II

Whereas the sum of ——— rupees was due to our Sovereign Lady the Queen for ——— in respect of the land ———, hereinafter more fully mentioned and described, and a further sum of ——— rupees was likewise due for costs, which said sums have not been paid by the owner or proprietor thereof ; and whereas the said land was seized in conformity with the Ordinance No. 23 of 1889, and sold also in conformity therewith, on the ——— day of ———, and the same was purchased by ———, of ———, for the sum of ——— rupees, which has been duly paid by the said ———.

Now know Ye that I, ——— (Government Agent), by virtue and in exercise of the power in me vested in this behalf by the said Ordinance, do hereby certify that the following property, to wit (*here describe the property with special accuracy by metes and bounds*), has been sold to ——— and purchased by the said ——— for the sum of ——— rupees, which he has duly paid, and that the said premises are and shall henceforward be vested in the said ———, his heirs, executors, administrators, and assigns. (*Add* free from all encumbrances, in the case of land sold under sub-section 1 of section 54 or under section 64.)

Given under my hand this ——— day of ———, 18 —.

Signed ———,
Government Agent.

SCHEDULE III.

Whereas the sum of ——— rupees was due to our Sovereign Lady the Queen for ——— in respect of the land ———, hereinafter more fully mentioned and described, and a further sum of ——— rupees was likewise due for costs, which said sums have not been paid by the owner or proprietor thereof ; and whereas the said land was seized in conformity with the Ordinance No. 23 of 1889, and sold also in conformity therewith, on the ——— day of ———, and the same was purchased for and on behalf of our Sovereign Lady the Queen by (the Government Agent) for the sum of ——— rupees, which has been duly credited to our said Lady the Queen in part satisfaction (*or* full, *as the case may be*) of the sum due as aforesaid, and ——— rupees for costs :

Now know Ye that I, the said (Government Agent), by virtue and in exercise of the power in me vested in this behalf by the said Ordinance, do hereby certify that the following property, to wit (*here describe the property with special accuracy by metes and bounds*). has been sold and purchased by the said ——— for and on behalf of our said Lady the Queen for the sum of ——— rupees, and that the said premises are and shall henceforward be absolutely vested in our said Lady the Queen, her heirs and successors. (*Add* free from all encumbrances, in the case of land sold under sub-section 1 of section 54 or under section 64.)

Given under my hand this ——— day of ———, 18 —.

Signed ———,
Government Agent.

31st December, 1889.

No. 24 of 1889.

(*As amended by No. 14 of 1893 and No. 9 of 1894.*)

An Ordinance relating to Village Communities.

WHEREAS it is expedient to consolidate and amend the laws relating to village communities in this island: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows: Preamble.

I.—*Preliminary.*

1 This Ordinance may be cited for all purposes as "The Village Communities' Ordinance, 1889;" and it shall come into operation at such time as the Governor shall, by Proclamation published in the *Government Gazette*, appoint.* Short title. Commencement.

2 There shall be repealed, as from the commencement of this Ordinance, the Ordinances specified in the schedule to this Ordinance, to the extent in the third column of that schedule mentioned. Repeal.

Provided that this repeal shall not affect— Proviso

(*a*) Anything duly done or suffered under any enactment hereby repealed; or

(*b*) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; or

(*c*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or

(*d*) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Ordinance had not passed.

Where any unrepealed Ordinance incorporates or refers to any provisions of any Ordinance hereby repealed, such unrepealed Ordinance shall be deemed to incorporate or refer to the corresponding provisions of this Ordinance.

3 In this Ordinance, unless the context otherwise requires— Interpretation clause.

"Government agent" shall include the assistant government agent of a district, but not the office assistant to the government agent for the province;

"Fiscal" shall include deputy fiscals within the province of the fiscal;

"Natives" shall mean those resident in the country other than persons commonly known as Europeans or persons commonly known as Burghers;

* Proclaimed the 30th day of August, 1890.

"Chief headman" shall mean the raṭémahatmayá, mudaliyár, adikar, maniyakar, or vanniyá of a division; and "chief headman's division" shall mean the extent of country under the supervision of such "chief headman."

II.—*Divisions and Subdivisions.*

Governor may bring any division or part thereof within this Ordinance.

4 It shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation to be by him for that purpose issued, to declare from time to time, as he may think desirable, that any chief headman's division or part thereof shall be brought, from a time to be named therein, within the operation of this Ordinance. On such Proclamation being issued, the said division or part thereof shall become liable to the provisions of this Ordinance; and the inhabitants thereof shall be entitled to exercise the powers and privileges hereby conferred upon them.

Governor may exempt any division or part thereof from the operation of this Ordinance. [§ *1, 14 of 1893*]

4 (*a*) It shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation from time to time to be issued by him for that purpose, to exempt from the operation of this Ordinance any chief headman's division or part thereof which shall have been brought within the operation of this Ordinance under section 4. On such Proclamation being issued, the said division or part thereof shall cease to be liable to the provisions of this Ordinance.

Subdivision of chief headman's division.

5 Every chief headman's division or part thereof so brought within the operation of this Ordinance shall be subdivided into villages or convenient groups of villages in such manner as the Governor, with the advice of the Executive Council, shall appoint. It shall be lawful for the Governor, with the like advice, from time to time to alter and amend such subdivision.

III.—*Rules.*

Inhabitants may make rules.

6 It shall be lawful for the inhabitants of any subdivision so brought within the operation of this Ordinance to make, subject to the provisions hereinafter contained, such rules as they may deem expedient for any of the following purposes:

(1) For the construction, maintenance, regulation, and protection of village paths, bridges, ódandas, ambalams or madams, spouts, wells, watering and bathing-places, fords and ferries, markets, places for the slaughter of cattle, sheep, or swine, grounds for the burial or burning of the dead, and for the conservancy of springs and water-courses.

(2) For constructing and repairing school-rooms for the education of boys and girls, and for securing their attendance at school.

(3) For regulating fisheries according to local customs.

(4) For taking care of waste and other lands set apart for the purpose of the pasturage of cattle or for any other common purpose.

(5) For encouraging the cultivation of industrial products.

(6) For breeding, registering, and branding cattle, for regulating the sale, removal, and slaughtering of cattle, and for preventing cattle trespass, cattle disease, and cattle stealing.

(7) For the putting up and preservation of land boundaries and fences.

(8) For the prevention and abatement of nuisances.

(9) For the prevention of the use of abusive language.

(10) For preventing accidents connected with toddy-drawing, and for the periodical inspection of the ropes and other appliances used for that purpose.

(11) For preventing accidents by the setting of spring guns and traps.

(12) For the prevention of gambling and cock-fighting, and for the prevention of cart racing on public thoroughfares.

(13) For the construction, repair, and protection of village tribunal court-houses.

(14) For the determining, imposing, and enforcement of penalties incurred by officers appointed under section 11 of this Ordinance for neglect or breach of duty.

(15) For the collection of tolls imposed and levied under this Ordinance.

(16) For the construction and maintenance of village roads not exceeding twelve feet in width : provided that no inhabitant shall be required to contribute in labour or money towards any road other than a natural road, nor to give more than ten full days' labour in any year for such village roads.

(17) For the repair, protection, and maintenance of village canals.

(17*a*) For imposing and enforcing an annual tax payable in labour in respect of all or any of the purposes mentioned in sub-sections (1), (2), (13), (16), and (17), upon the inhabitants of the subdivisions, provided that no inhabitant shall be liable to perform more than ten days' labour in any one year. [§ 1, 9 *of 1894*]

(17*b*) For determining the number of days' labour to be imposed in respect of any one or more of such purposes.

(17*c*) For calling out and compelling the performance of such labour.

(18) For the prevention of loitering in thoroughfares or public places.

(20) For making it an offence for any holder of a license under "The Licensing Ordinance, 1873," or any keeper of a tavern to sell, or allow any person to sell, to females any description of spirits, including intoxicating liquor as well as the produce of the cocoanut or other description of palm or sugar-cane.

(21) For the enforcement of ancient customs as regards cultivation or the repair, protection, and maintenance of village tanks.

(22) For any other purpose connected with, or relating to, purely village affairs.

Rules, if approved by the Governor in Executive Council, shall be valid.

7 The rules so prepared by the inhabitants of any subdivision shall be forthwith transmitted through the government agent of the province to the Governor for the approval or disallowance thereof of the Governor, with the advice of the Executive Council, and such of the rules as shall be approved shall be published in the *Government Gazette*, and shall thereupon become as legal, valid, and effectual as if the same had been inserted herein. The government agent shall also take steps to cause the rules to be proclaimed in the village or group of villages subject to their operation, in such manner as shall secure the greatest publicity thereto. Such rules, when so approved as aforesaid and published in the *Government Gazette*, shall be binding upon, and be observed by, all parties subject to their operation, and all courts, judges, and magistrates shall take judicial notice thereof.

Rules to be binding upon all, and judicial notice to be taken thereof.

Rules may be added to, amended, or repealed.

8 It shall be lawful for the inhabitants of such subdivision, subject to the provisions herein contained, from time to time to add to, amend, or repeal the existing rules, or any of them, or any part of any of them, provided that the said additions, amendments, or repealing provisions, as the case may be, shall be in all respects dealt with and decided upon in the same manner as is herein directed and provided with respect to the original rules.

Power of Governor in Executive Council to cancel or vary rule previously approved.

9 The Governor, with the advice of the Executive Council, may at any time, and from time to time, cancel or annul any rule previously approved of and published as provided in section 7 ; and such cancellation or annulment shall in like manner be published in the *Government Gazette*.

Village committee may create offices.

10 Whenever it shall be necessary to appoint an officer to carry into effect or supervise the working of any rule lawfully made or to be made by the inhabitants of any subdivision under this Ordinance, it shall be lawful for the said inhabitants to create an office for such purpose within their own subdivision, by a rule to be made subject to the approval of the Governor with the advice of the Executive Council.

Officer to be appointed by government agent of province.

11 As soon as any such office has been created, it shall be lawful for the government agent of the province within which such subdivision is situated, to appoint an officer thereto, and such appointment from time to time to revoke or annul, and in lieu thereof to make a fresh appointment to such office, as to the government agent aforesaid shall seem fit or necessary.

Such officer to be entitled to fees ; such fees to be determined by Governor in Executive Council.

12 Every such officer shall, so long as he continues in office, be entitled to be paid and to receive such fees in respect of his office as may be determined by a rule to be made by such inhabitants, subject to the approval of the Governor with the advice of the Executive Council.

Such officer to be liable to penalties.

13 Every such officer shall be liable to pay the penalties prescribed by any rules which may be passed in accordance with the powers conferred under section 6 of this Ordinance for breach of or neglect of duty in respect of his office.

IV.—*Meetings and Village Committees.*

Public meeting of inhabitants to be called for the purpose of making rules.

14 For the purpose of making rules as above prescribed or whenever such meeting shall be necessary, the government agent may, whenever to him it shall appear advisable, or shall, upon a requisition signed by not less than ten inhabitants of any village or group forming a subdivision, call a public meeting of the inhabitants of such subdivision. Provided that in case the extent of any group of villages should render more meetings than one necessary, the government agent may hold meetings at such places as he may deem desirable. The government agent shall, one month at least before the day of holding any such meeting or meetings, cause notices to be published throughout such subdivision, in such manner as shall appear to him best adapted for giving the greatest publicity thereto, of the day and place appointed for holding such meeting or meetings, and of the object for which the same shall be held; and shall, in such notices, call upon the inhabitants to attend in person at such meeting or meetings for the purpose aforesaid. The government agent or person presiding shall have power to adjourn any meeting once or oftener, if need be.

Proviso.

Public notice of such meeting.

Power to adjourn.

Proceedings at such meeting.

Qualification of voter.

15 Every meeting so convened shall be held at the time and place appointed in the presence of the government agent, or any other person authorized in writing by him, and at every such meeting every male inhabitant of the village, or group of villages as aforesaid, above the age of eighteen years, and who shall not have been convicted within five years before the date of the meeting, of theft, fraud, forgery, perjury, or of any infamous crime whatever, who shall be present thereat, shall be entitled to vote. It shall be the duty of the government agent, or of the person presiding, to explain to the persons assembled at the meeting the provisions of this Ordinance, and the purpose for which the meeting was convened. And such government agent or person presiding shall enter or cause to be entered in the minutes of such meeting the questions or resolutions proposed thereat, and the number of votes given for and against the same, and shall sign the said minutes, and publicly declare the result of the votes given thereat; and the said minutes shall be deposited and preserved in the provincial or district kachchéri as may be most convenient, and copies thereof shall be transmitted by the government agent to the Government.

Inhabitants may elect village committee.

Duty of such committee.

16 It shall be lawful for the inhabitants of any subdivision, at the first or any subsequent meeting, to elect a committee of not less than six men, and, if they see fit to do so, to delegate to such committee the power of making rules conferred on such inhabitants by this Ordinance. It shall be the duty of such committee to make rules (if the power to make rules be delegated to them as aforesaid), and the same from time to time to amend, alter, and repeal, to enforce the observance of those rules, and otherwise to exercise such powers as may be conferred on them by such

Proviso.

rules. Provided that rules made by such committee shall be subject to all the provisions of this Ordinance which apply to rules made under section 6.

Qualification of committeemen.

17 No person shall be qualified to be elected as a member of committee who shall not be upwards of twenty-five years of age, or who shall not be possessed of real property, in his own right or in that of his wife, worth more than two hundred rupees, or who shall have been convicted of theft, fraud, forgery, perjury, or of any infamous crime.

Term of office.

18 The first committee elected under this Ordinance shall go out of office on the last day of March of the fifth year from their election, and in place of such committee so going out of office a like number of other committeemen, to be elected as hereinafter provided, shall come into office and remain in office for the next ensuing five years, and, at the expiration of such period of five years, shall in like manner go out of office and be succeeded by other committeemen for a like term of five years, and so on during the continuance of this Ordinance. Provided that any of such out-going committeemen shall be re-eligible and may be re-elected, and, in such case, continue to act and remain in office, anything herein contained to the contrary nowithstanding.

Meeting for election of committeemen.

19 On any day to be fixed by the government agent within three months of the day on which any such term shall expire, a meeting shall be holden for the election of committeemen for five years next succeeding, reckoned from the first day of April next following the day of such election, and such election shall proceed in such manner, and be subject, so far as the same are applicable, to such conditions as are hereinbefore provided for the election of the committee.

If term of office of village committee expires before election of a subsequent committee, government agent may nevertheless fix a day for such election.

20 Should the term of office of any village committee elected in pursuance of section 16 or 19 be allowed to expire before the election of a subsequent committee, it shall nevertheless be lawful for the government agent to fix a day for the election of committeemen for the five years next succeeding, which five years shall be reckoned from the first day of April next preceding the day of such election.

Vacancies how to be filled up.

21 Any member of a committee who shall be absent from the village for more than three months at one time, or shall be adjudicated an insolvent, or who shall be convicted of any infamous crime, or shall become incapacitated from fulfilling the duties of his office by mental or bodily infirmity or disease, shall, *ipso facto*, vacate his office ; and in case any person elected a member of committee shall die, or become disqualified, or vacate his office in manner aforesaid, or shall resign or refuse to accept the office of a member of committee, or, in case of any casual vacancy happening in any manner whatever in any such office, the remaining members of committee shall elect a person duly qualified under section 17 to fill up the vacancy, and the person then elected shall serve until the next general election of committeemen.

22 If at any meeting any question shall be raised as to the right of any person to vote or to be elected, the government agent or person presiding shall then and there make such inquiry as he may deem requisite, and declare whether or not such person has the right of voting, or is eligible to be elected or not; and the decision so made shall be final and conclusive. And an entry shall be made in the minutes of such meeting of any such question, and of the decision thereon.

Objections to voter how disposed of.

23 The inhabitants of any subdivision duly made under section 5 may, at any public meeting held under section 15, impose an annual tax upon the inhabitants of such subdivision for the payment of such number of police headmen as may be considered necessary for the protection of such subdivision, and prescribe in what manner such tax shall be recovered. Provided that such tax shall be submitted for the approval of the Governor, with the advice of the Executive Council, who may, either as regards the tax or the means proposed for the recovery thereof, allow or disallow the same, or make any change or amendment with regard thereto, except any increase of the tax, as may be deemed expedient.

Inhabitants of any subdivision may, with approval of Governor in Executive Council, impose a tax for payment of police headmen.

24 It shall be lawful for the inhabitants of any subdivision within the limits thereof to impose and levy tolls subject to the approval or disallowance thereof of the Governor, with the advice of the Executive Council (such approval to be notified in the *Government Gazette*), on all ferries constructed, regulated, or protected under this Ordinance.

And may impose and levy tolls.

25 All questions or resolutions shall be determined by a majority of votes. In case of an equality of votes, the chairman shall have a casting vote in addition to his original vote.

Majority shall decide.

V.—*Village Tribunals.*

26 The Governor may, at his discretion, acting with the advice of the Executive Council, establish village tribunals in any chief headman's division or part thereof brought under the operation of this Ordinance, and may appoint from time to time a president for such tribunals, and allow, with the like advice, reasonable remuneration to be paid to him out of the general revenue, and any person so appointed at pleasure remove and substitute another in his stead. Every such president shall, before he shall begin to execute the duties of his office, take and subscribe the oath of allegiance and judicial oath, in form set forth in the Ordinance No. 7 of 1869 or any other Ordinance to be hereafter for that purpose enacted. Such president shall have power and jurisdiction, assisted by councillors as hereinafter provided, to try cases hereinafter specified. The number of councillors to be associated with the president in the trial of cases shall be three. No person shall be qualified to be associated with the president as such councillor who shall not possess the qualifications prescribed for committeemen by section 17.

Establishment of village tribunals and appointment of presidents at the discretion of the Governor.

Oath.

Power of president.

Power to abolish village tribunals or to enlarge their jurisdiction.

27 It shall be lawful for the Governor, with the advice of the Executive Council, to abolish any village tribunal or add to the jurisdiction of any village tribunal any other village or villages or group of villages in the same or any other division.

Village tribunals to exercise jurisdiction in certain matters civil and criminal.

28 The president, assisted by councillors, as hereinbefore prescribed, shall sit in open court at such times and places within each subdivision as the government agent shall from time to time prescribe, to try breaches of any rules made by the inhabitants of the subdivision under the authority of section 6 (if the inhabitants shall have availed themselves of this privilege), and to exercise civil and criminal jurisdiction in the cases hereinafter described, in which both parties are natives, or in cases in which both the parties thereto, whether natives or not, shall, by consent in writing, in such form as shall be prescribed by rules to be made under section 50, expressly refer to be tried and decided by them:

Civil.

(1) All cases in which the debt, damage, or demand shall not exceed twenty rupees, and the party defendant is a resident within the subdivision, or in which the cause of action shall have arisen wholly or as to any part within such subdivision; and also all actions in which the title to, interest in, or right to the possession of any land or immovable property shall be in dispute, provided the value of such land or immovable property, or of the particular share, right, or interest in dispute in such action, shall not exceed twenty rupees, and the same or any part thereof is situate in such subdivision.

(2) All cases whatever involving debt or damage not exceeding one hundred rupees, or claim to land or immovable property in which the land or interest in dispute shall not exceed one hundred rupees in value, which the parties thereto shall, by consent in writing, in such form as shall be prescribed by rules to be made under section 50, expressly refer to such tribunal to be tried and decided by them.

Criminal.

(1) Petty assaults,—that is to say, assaults which may adequately be punished by no higher punishment than a fine of twenty rupees or rigorous imprisonment for two weeks.

(2) Petty thefts,—that is to say, thefts where the property stolen does not exceed in value twenty rupees, or where the theft is not preceded or accompanied by violence to the person, and which may adequately be punished by no higher punishment than a fine of twenty rupees or rigorous imprisonment for two weeks.

(3) Malicious injury to property or boundaries, where the damage does not exceed twenty rupees.

(4) Cattle trespass under the Ordinance No. 9 of 1876.

Provided, however, as follows :

(1) That the above offences shall have been committed, wholly or in part, within the subdivision.

(2) That it shall be lawful for the president and councillors before whom any case, civil or criminal, shall be instituted, or by whom it shall be partially tried, to refer the parties to the court of requests or police court having jurisdiction over the subdivision, if it shall appear to them that the case is one which from its circumstances may more properly be prosecuted before the higher tribunal.

(3) That it shall be lawful for the Attorney-General or for any Crown counsel having jurisdiction over the subdivision, in any criminal case, or for any government agent having jurisdiction over the subdivision, in any case, civil or criminal, to stop the further hearing of such case before a village tribunal, and to direct it to be tried by the police court or court of requests.

(4) That no case, civil or criminal, which is instituted for the protection of the revenue shall be brought before the village tribunal.

Breaches of irrigation rules may be tried under this Ordinance.

29 Whenever it shall be necessary in any irrigation district under "The Irrigation and Paddy Cultivation Ordinance, 1889," to convene a village council to try breaches of rules made under the said Ordinance, and a village tribunal shall have been established under the authority of this Ordinance for the subdivision in which such breach shall have been committed, the government agent may refer the case to be tried by such village tribunal instead of by the village council as prescribed in that enactment. And such tribunals shall have jurisdiction to try such cases and to impose on any person who may be convicted of a breach of any of the said rules a fine not exceeding thirty rupees.

The choice of councillors to be associated with the president at the trial of each case.

30 The councillors shall be selected for each case by lot, according to rules to be made for such purpose under section 50, and shall be subject to such provisions as to liability to be challenged as shall be prescribed by such rules. It will be the duty of the president and councillors, when any case shall be brought before them, to endeavour by all lawful means to bring the litigant parties to an amicable settlement, and to abate, prevent, or remove, with their consent, the real cause of quarrel between them. But if the parties will not agree to such settlement, the court shall then proceed to hear evidence and to determine the case. The councillors shall first express their opinion on the points arising for adjudication, and the president shall thereupon express his. Provided that in case of any difference of opinion between the president and the councillors, or any of them, the opinion of such president shall prevail, and shall be taken as the decision in the case ; but in every such case a record shall be made of such difference of opinion.

Proviso in case of difference of opinion between president and councillors.

Punishments which may be awarded by such tribunals.

Imprisonment may be carried out in the common prisons.

31 The village tribunal shall have power to punish by fine not exceeding twenty rupees any person convicted before it of any crime or offence, or of the breach of any rule, and in case of a continued breach of any rule such tribunal shall impose a further fine not exceeding five rupees for each day such breach is continued after notice to the offender. The village tribunal shall also have power to sentence the offender in default of payment of any fine imposed under this Ordinance to simple or rigorous imprisonment for any period not exceeding fourteen days.

Penalty for false or frivolous case.

32 If it shall appear to any village tribunal that any case has been falsely or maliciously or upon frivolous or vexatious grounds instituted therein, it shall be lawful for such village tribunal to sentence the party instituting such case to a fine not exceeding five rupees, and to award such fine or any part thereof to the aggrieved party; and if such aggrieved party shall accept the same, he shall not be entitled to have or maintain any suit for the recovery of damages in respect of the injury sustained by him by reason of such false and malicious, or frivolous, or vexatious prosecution.

Reward to informer or person apprehending an offender.

33 It shall be lawful for any village tribunal before whom any offender may be convicted to order at its discretion that any part not exceeding one-half of the fine or penalty recovered from such offender be paid over to, or applied to the use and benefit of, the person who shall first have given information against or been active in the apprehending of such offender, or shall appear otherwise deserving of reward in the matter. Provided that no such order as aforesaid shall be acted upon or given effect to unless the same has been confirmed by the government agent.

Jurisdiction to be exclusive.

34 The jurisdiction, civil and criminal, conferred on the tribunals hereby created shall, as respects the natives of the subdivisions in which they are established, and subject to the provisos in section 28, so long as any such subdivision remains subject to the operation of this Ordinance, be exclusive, and shall not be exercised by any other tribunal on any plea or pretext whatsoever. And, in order to prevent the jurisdiction of these tribunals being evaded, it shall be the duty of any court, civil or criminal, whenever it shall appear to them that any case brought before them is one properly cognizable by the village tribunal established in any place (and it shall be competent to a commissioner of requests or police magistrate to examine the parties at any stage of the case in order to ascertain this), to stop the further progress of such case, and to refer the parties to the village tribunals, and to condemn the parties in costs as to such court shall seem fit.

Governor in Executive Council may limit jurisdiction of village

35 It shall be lawful for the Governor, with the advice of the Executive Council, to limit the powers of any village tribunal established under section 26 to the exercise of civil and criminal jurisdiction, referred to in section 28, or to the exercise of either such civil or criminal jurisdiction, or to

limit the jurisdiction of such tribunals to breaches of any rules made by the inhabitants of the subdivision under the authority of this Ordinance, or to the breaches of such rules together with the exercise of either such civil or criminal jurisdiction as above mentioned.

tribunal to certain matters.

36 It shall be lawful for any president, for the purposes of the jurisdiction and duties hereby conferred upon him, and he is hereby authorized and required, to administer oaths according to law; and if upon such oath any person making the same shall wilfully and corruptly give false evidence, every person so offending shall be subject to the pains and penalties provided by the Ceylon Penal Code for such offence.

President may administer oaths.

37 It shall be competent to any district court or court of requests in which any case shall be pending from any subdivision in which a village tribunal shall be established, with the consent of all the parties to the suit expressed in writing, but not otherwise, to refer to the said village tribunal any issue of disputed boundary or encroachment, or any case in which an inspection of the premises and examination of witnesses at the spot are likely to conduce to the ends of justice, and to require such tribunal to inquire into such issue and case, and report thereon to such district court or court of requests; and such district court or court of requests shall (on receipt of such report, with the evidence upon which it is founded) proceed to determine and decide such case, with or without further evidence, as to it shall seem expedient.

Reference of issues by district courts and courts of requests.

38 Every fiscal or deputy fiscal shall be bound, either by himself or by his officers, within the province or district for which he is respectively empowered to act, to execute all sentences, and to serve and execute all writs and processes in civil and criminal cases which he may be required or directed by any village tribunal to serve or execute according to the extent of its jurisdiction, as also any summons, warrant, or other process which may be issued by any president under chapter VI., and to make and certify the return together with the execution thereof to such tribunal or president, as the case may be, and to receive and detain in prison all such persons as shall by such tribunal or president be committed to the charge of such fiscal or deputy fiscal respectively for that purpose. And the provisions of sections 5, 8, and 81 of "The Prisons Ordinance, 1877," shall extend and apply to warrants of commitment issued by village tribunals or presidents under the authority of this Ordinance.

Judgments and sentences of village tribunals how enforced.

39 It shall be lawful for the Governor, as occasion may require, with the advice of the Executive Council, to appoint an additional president for any village tribunal or tribunals, to allow him a reasonable remuneration, and to remove him and appoint another in his stead. Every such additional president shall sit apart and shall exercise all the powers and jurisdictions vested under and by virtue of this Ordinance in a president appointed under section 26.

Additional presidents.

VI.—*Special Powers of Presidents.*

Special powers of presidents.

40 In addition to the powers hereinbefore mentioned, every president shall, within the limits of the jurisdiction of the village tribunal or tribunals of which he is president, have the following powers :

(*a*) Power to investigate any cognizable offence ;

(*b*) Power to arrest or direct the arrest in his presence of any offender ;

(*c*) Power to issue a warrant or to order the removal of an accused person arrested under a warrant ;

(*d*) Power to issue summons or warrant to compel the attendance of witnesses ;

(*e*) Power to issue a search warrant, and to make an order authorizing the property found to be taken to the police court having jurisdiction to entertain the offence ;

(*f*) Power to record statements or confessions during any investigation held by such president ;

(*g*) Power to authorize the detention of a person during such investigation ;

(*h*) Power to call upon witnesses to execute a bond to appear before a police magistrate having jurisdiction to entertain the offence ;

(*i*) Power upon receiving an order from a magistrate to investigate a non-cognizable offence and to exercise all the above powers in respect of such investigation.

Procedure where cognizable offence suspected.

41 If from information received or otherwise any president has reason to suspect the commission of an offence which he is empowered under the preceding section to investigate, he shall forthwith send a report of the same to a magistrate empowered to take cognizance of such offence, and shall proceed in person to the spot to investigate the facts and circumstances of the case and to take such measures as may be necessary for the discovery and arrest of the offender.

Record of evidence to be forwarded to magistrate.

42 The president shall, and he is hereby authorized to administer oaths according to law to any person whom he may examine in the course of such investigation, and shall record in writing the evidence so taken, and shall forthwith forward the record of such investigation together with the accused, if in custody, to the police magistrate having jurisdiction to entertain the offence.

Magistrate may withdraw case from president.

43 Any police magistrate having jurisdiction to hold an inquiry into any offence which is being investigated by a president may withdraw the case from such president and himself inquire into and try such case or commit the same for trial.

Process may be directed for service to any person.

44 Any summons or warrant issued by any president under the provisions of this chapter may be directed for service to any person or persons named therein, and such person or persons or any police officer may execute the same.

45 The Governor, with the advice of the Executive Council, may from time to time make rules consistent with this Ordinance for the guidance of presidents respecting the following subjects :

The Governor may make rules.

(*a*) The investigation of cases under this chapter ;

(*b*) The form and manner of proceeding to be observed in such cases ;

(*c*) For the keeping of a diary containing a daily entry of all proceedings taken by presidents under this chapter ;

(*d*) And generally to make all such rules as may be necessary to give full and complete effect to the provisions of this chapter ;

and such rules, with the like advice, from time to time repeal, alter, or amend, as to the Governor shall seem necessary.

VII.—*Village Committees.*

46 Whenever any rules shall have been duly prepared by the inhabitants or village committee of any subdivision in virtue of the powers conferred upon them, and it shall not seem advisable to establish a village tribunal in the subdivision in which such rules may have been made, it shall be lawful for the village committee for the time being to try breaches of any rules so made and duly approved by the Governor, with the advice of the Executive Council, and to impose such penalties as a village tribunal is empowered by section 31 to inflict for the breach of such rules.

Village committee may try breaches of rules when no village tribunal is established in the subdivision.

47 The chief headman shall be ex-officio chairman of every village committee in his division ; provided that if he shall be absent at any meeting of such committee, the members of the committee who shall be present, not being less than four, may select and appoint a chairman for such meeting.

Chief headman to be chairman of village committees.

48 The question as to whether a person charged with the breach of any such rule has or has not committed a breach thereof, shall be determined by the majority of the village committee, and in case the members of the committee be equally divided, the chairman shall decide.

Majority or chairman to decide.

49 The village committee shall have the same exclusive jurisdiction with regard to all matters connected with the breach of any such rules as have the president and councillors of a village tribunal under section 34, and if a fine imposed for the breach of any such rule by the village committee be not paid forthwith, the village committee may sentence the offender to simple or rigorous imprisonment for any period not exceeding fourteen days. All warrants of commitment issued by village committees under the authority of this Ordinance shall be carried out in the same manner as provided in section 38 in respect of warrants issued by village tribunals.

Village committees to have exclusive jurisdiction in matters connected with breach of rules, and may punish for breach thereof.

VIII.—*Rules of Procedure and Appeals.*

Rules of procedure for the village tribunals and committees.

50 It shall be lawful for the Governor, with the advice of the Executive Council, from time to time to make rules (subject to the provisions of this Ordinance, and not inconsistent therewith) to be observed by the village tribunals and village committees hereby created, touching and concerning all or any of the following matters:

(1) The form and manner of proceeding to be observed in cases before them;

(2) The process to be issued by them, and the mode of enforcing the same;

(3) The execution of judgments, the seizure and sale of movable and immovable property, and the disposal of claims in execution;

(4) The form and mode of applying for relief under section 52;

(5) The summoning and empanelling of councillors and committeemen, and regulations respecting them;

(6) The form and mode of giving jurisdiction under section 28 in cases not ordinarily triable by village tribunals;

and generally to make all such rules as may be necessary to give full and complete effect to the provisions of this Ordinance; and such rules from time to time with the like advice to repeal, alter, or amend as to him shall seem necessary. Such rules shall be published in the English and native languages in the *Government Gazette*, and shall thereupon become as legal, valid, and effectual, and shall be binding upon, and be observed by all, and be taken judicial notice of, as if the same had been inserted herein. Subject to these rules the proceedings of such tribunals and committees shall be conducted in the native language, and shall be summary and free from the formalities of judicial proceedings; and it shall be the duty of such tribunals and committees to do substantial justice in all questions coming before them without regard to matters of form; and no advocate, proctor, agent, or other person (excepting husbands for their wives, guardians and curators for minors and wards, and agents doing business in the subdivision for absent principals) shall be permitted to appear on behalf of any party in any case before such tribunals or committees.

Proceedings summary.

Where charge is beyond the jurisdiction of the village tribunal the president should refer it to the competent court.

51 If in the course of any trial before the village tribunal it shall appear that the case under trial is, from its nature or magnitude, beyond the jurisdiction of such tribunal, the president shall forthwith stop the trial, and order that the case be transferred to the proper court having jurisdiction to try the same.

52 It shall be the duty of the president of any village tribunal or of the chairman of any village committee to report weekly all cases tried before the village tribunal or the village committee, as the case may be, to the kachchéri of the subdivision to which such village tribunal or village committee belongs, and to forward the journals of proceedings taken by such president or chairman to the government agent to be filed of record in his kachchéri. The government agent shall be empowered to sit with the president and councillors or with the chairman and village committee and observe their proceedings, and generally from time to time to report on such proceedings to the Governor. And it shall be lawful for the government agent to take action in any case in which either party thereto may apply to him for relief, and to direct further inquiry thereof, or to order a new trial, or that further evidence be taken, or to alter, amend, modify, or reverse the decision therein; and it shall be lawful for the government agent at any time of his own motion to call for and examine the record of any case whether already tried by or pending trial before any village tribunal or village committee, for the purpose of satisfying himself as to the propriety of any decision, order, or sentence passed therein, or as to the propriety of the proceedings of such tribunal or committee, and upon consideration of any case so brought before him, to pass any decision, order, or sentence, which he might have passed had the case come before him in due course of appeal. Nothing in this section shall be deemed to authorize the government agent to increase any sentence passed or to interfere with any acquittal by any such tribunal or committee. Provided that nothing herein contained shall be deemed to affect the right of any person feeling aggrieved by the decision of a village tribunal or village committee, or the decision come to by the government agent, to apply to the Governor by petition after application for relief shall have been in the first instance made by either party to the government agent; and it shall be lawful for the Governor, with the advice of the Executive Council, to direct further inquiry, or to order a new trial, or that further evidence be taken, or to alter or amend, modify or reverse the decision of the village tribunal or village committee, or that of the government agent.

President of village tribunal or chairman of village committee to report all cases tried before them, and to forward proceedings to government agent, and government agent may take action in any case, or Governor in Executive Council may interfere on due application being made.

Proviso.

Provided also that the powers conferred by this section on the government agent to take action in any case in which parties may apply to him for relief, shall not be exercised unless application for that purpose shall be made to him by a written petition within fourteen days, exclusive of Sundays and public holidays, from the date on which the decision complained of shall have been given; and no application to the Governor under the said section shall be entertained unless such application shall be made by a like petition within fourteen days, exclusive of Sundays and public holidays, from the date on which the decision of the government agent shall have been communicated to the person who shall have applied to such government agent for relief.

Proviso.

IX.—*Miscellaneous.*

Saving clause.

53 Nothing in this Ordinance contained shall prejudicially affect—

(*a*) Any chief headman's division or part thereof heretofore brought within the operation of "The Village Communities' Ordinance, 1871," or

(*b*) Any subdivision of such division or part thereof into villages or convenient groups of villages heretofore effected; or

(*c*) Any rules heretofore framed by the inhabitants or village committee of any such subdivision; or

(*d*) Any tax or toll heretofore lawfully imposed; or

(*e*) Any village tribunal heretofore established, or the appointment of any president thereof, or the powers and jurisdiction vested in such tribunal or president; or

(*f*) Any village committee heretofore elected or ex-officio chairman thereof, or the powers and jurisdiction vested in such committee or chairman; or

(*g*) Any rules of procedure heretofore framed by the Governor, with the advice of the Executive Council, to be observed by village tribunals and village committees; or

(*h*) The officers heretofore appointed to supervise the working of any rules lawfully made by the inhabitants or village committee of any subdivision.

But, subject to the operation of the repeal of enactments by, and to the other express provisions of, this Ordinance, all such divisions, subdivisions, rules, taxes, tolls, village tribunals, village committees, and the respective powers and jurisdiction of such tribunals and committees and of the presidents and chairmen thereof, and all appointments so brought, effected, framed, imposed, established, vested, and made as aforesaid, and all other things done or pending, or in the course of being done under "The Village Communities' Ordinance, 1871," or any other enactments repealed by this Ordinance before or at the commencement of this Ordinance shall, for the purposes of this Ordinance, be of the like effect as if they had been so brought, effected, imposed, established, vested, made, and done under this Ordinance.

Governor may dismiss the president.

54 It shall be lawful for the Governor, with the advice of the Executive Council, to dismiss any president or chairman who shall appear to him to be unworthy of his post, and such president or chairman so dismissed shall be disqualified to hold any office or post in the public service, except he be expressly rehabilitated by the Governor, with the advice aforesaid.

Governor may disfranchise any division.

55 It shall be lawful for the Governor, with the advice of the Executive Council, to withdraw, for any stated time, from any village the right to enjoy the benefits of this Ordinance, if it shall appear to the Governor, with the advice aforesaid, that the inhabitants of such village have abused their powers, or are unworthy or incapable of exercising the same justly.

56 It shall be competent for the village tribunal or village committee to direct such portion of any fine as it shall deem fit to be paid to the person injured or aggrieved by the act or omission in respect of which such penalty has been imposed (on condition that such person, if he shall accept the same, shall not have or maintain any suit for the recovery of damages for the loss or injury sustained by him by reason of such act or omission), and such other portion thereof as it shall deem fit to the persons, if any, employed to do the work which ought to have been done, or to repair the mischief done by the defendant. All fines paid to, or recovered by, the village tribunal or village committee shall be deposited with the government agent, to be by him appropriated in the manner prescribed by such tribunal or committee; the balance, if any, shall be applied to the payment of the necessary expenses of carrying this Ordinance into execution, and for such village purposes as the inhabitants of the division or the committee (where the same shall be established) shall at any meeting to be convened for that purpose, with the concurrence of the government agent, determine.

Village tribunal may direct appropriation of penalties.

Fines to be paid to government agent, to be applied by him as directed.

Any balance to be appropriated by the inhabitants.

57 It shall be the duty of all headmen, police and peace officers, and of all members of the police force, to aid and assist the inhabitants, committees, and tribunals in the exercise of the powers and jurisdictions and the performance of the duties imposed upon them by this Ordinance. Any headman or officer who shall fail to do so shall be guilty of an offence, and be liable on conviction to a fine not exceeding fifty rupees.

Headmen and police officers to assist in carrying out this Ordinance.

SCHEDULE.

Number and Year.	Title.	Extent of Repeal.
26 of 1871...	"The Village Communities' Ordinance, 1871"	The whole Ordinance
10 of 1872...	An Ordinance to empower Police Courts to try breaches of rules made by Village Communities	do.
12 of 1880...	"The Village Communities' Ordinance, 1871, Amendment Ordinance, 1880" ...	do.
8 of 1882...	"The Village Communities' Ordinance, 1871, Amendmont Ordinance, 1882" ...	do.
34 of 1884...	"The Village Communities' Ordinances, Amendment Ordinance, 1884" ...	do.
15 of 1885...	An Ordinance to amend the Ordinance No. 34 of 1884 relating to Village Communities	do.
8 of 1887...	An Ordinance to remove doubts as to the power of Village Tribunals to issue parate execution in certain cases ...	do.

31st December, 1889.

No. 1 of 1890.

An Ordinance to amend "The Widows' and Orphans' Pension Fund Ordinance, 1885."

(*See No. 20 of 1885.*)

Preamble.

WHEREAS doubts have arisen relative to the rights and interests of officers borne on the provisional establishment of this colony with regard to the fund created under the provisions of Ordinance No. 15 of 1884 and Ordinance No. 20 of 1885, for providing pensions for widows and children of deceased public officers; and it is expedient to remove such doubts, and also to amend the Ordinance No. 20 of 1885 in the particulars hereinafter mentioned: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

To be read as one with the Ordinance No. 20 of 1885. Section 6 to have retrospective effect.

1 This Ordinance shall be read as one with the Ordinance No. 20 of 1885, herein referred to as the principal Ordinance, and section 6 of this Ordinance shall take effect as from and after the day on which the principal Ordinance came into operation.

Definitions: "Public officer."

2 The definition of "public officer" in section 2 of the principal Ordinance shall be taken and construed to include officers borne on the provisional establishment of this colony, provided that they otherwise are within the terms of such definition.

"Pension."

3 The term "pension" whenever used throughout the principal Ordinance in the sense of a pension on retiring from the public service, shall be taken and read as including "compassionate allowance" and "superannuation allowance."

"Appointment."

4 The term "appointment" in section 5 of the principal Ordinance shall mean appointment whether original or by way of promotion; and all public officers who upon their promotion have heretofore contributed to "The Widows' and Orphans' Fund" shall be taken and deemed to have lawfully so contributed within the true intent and meaning of the said Ordinance.

New enactment substituted for section 9 of Ordinance No. 20 of 1885, and section 11 repealed.

5 Sections 9 and 11 of the principal Ordinance are hereby repealed, and the following enactment is substituted in lieu of the former section:

A public officer who may retire from the public service, or who may be deprived of the situation in respect of which he contributed to the fund, but who shall not be granted a pension or compassionate or superannuation allowance, may continue to contribute to the fund from and after the date of his so retiring or being deprived of his situation, on the salary he was receiving at such date and at the same rate and subject to the same terms

and conditions as if he had continued in the public service. In the event of his failing so to continue to contribute, or in the event of any contribution due from him being six months in arrears, it shall be considered that he has ceased to contribute to the fund, and his widow or widow and children, as the case may be, shall be entitled on his death only to a pension computed on the basis of the interest acquired by such contributor in the fund at the date of his so retiring or being deprived of his situation, in accordance with the tables hereinafter referred to.

Bachelors retiring on pension to cease to contribute.

6 Upon the retirement on pension of a public officer who is a bachelor, such officer shall not be called upon to make any further contribution to "The Widows' and Orphans' Fund," and his interest in the said fund shall upon such retirement cease and determine, subject, however, to the right reserved to him by section 36 of the principal Ordinance to receive fifty per cent. of his past contributions.

19th April, 1890.

No. 3 of 1890.

An Ordinance to consolidate and amend the Law relating to Stamp Duties.

(*See Ordinance No. 15 of 1891, section 33.*)

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to stamp duties: It is hereby enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preliminary.

Commencement of Ordinance.

1 This Ordinance shall come into operation on the first day of August next.

Short title.

2 This Ordinance may be cited for all purposes as "The Stamp Ordinance, 1890."

Repeal.

3 There shall be repealed as from the commencement of this Ordinance—

(*a*) The Ordinances specified in the schedule A to this Ordinance, to the extent in the third column of that schedule mentioned; and

(*b*) So much of any other Ordinance as is inconsistent with this Ordinance.

Proviso.

Provided that this repeal shall not affect—

(*a*) Anything duly done or suffered under any enactment hereby repealed; or

(*b*) Any right, privilege, obligation, liability acquired, accrued, or incurred under any enactment hereby repealed; or

(*c*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed ; or

(*d*) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid ; and any such investigation, legal proceeding, and remedy may be carried on as if this Ordinance had not passed.

Where any unrepealed Ordinance incorporates or refers to any provisions of any Ordinance hereby repealed, such unrepealed Ordinance shall be deemed to incorporate or refer to the corresponding provisions of this Ordinance.

Interpretation clause.

4 The following words and expressions in this Ordinance shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction :

The expression "government agent" shall include any assistant government agent.

The word "Commissioner" shall mean the Commissioner of Stamps.

"Instrument" shall mean and include every written document.

"Person" shall include company, corporation, and society.

"Write," "written," and "writing" shall include every mode in which words or figures can be expressed upon material.

"Property" shall include movable as well as immovable property.

"Bank" shall include a banking corporation or company.

General Provisions.

Duties specified in schedule to be levied by stamps affixed to or impressed on instruments.

5 The several instruments mentioned and described in the schedule B hereunto annexed (except those standing under the head of "Exemptions," and except as shall be hereafter excepted) shall be subject to the stamp duties set down in figures against the same, respectively, or otherwise specified and set forth in the said schedule ; and the said schedule and every provision contained therein shall be deemed and taken to be part of this Ordinance, and shall be applied and put in execution accordingly ; and such duties shall be denoted by adhesive or impressed stamps to be provided by the Commissioner for that purpose, and to be affixed to or used for such instruments as hereinafter directed. Provided, however, as follows :

Provisos.

Special stamps may be provided for particular classes of instruments.

(1) That it shall be lawful for the Governor, with the advice of the Executive Council, by notification to be published in the *Government Gazette*, to require that special stamps, to be provided for the purpose, be used for particular instruments, and with the

like advice and in like manner any such notification to alter or repeal; and it shall not be lawful for any person to use stamps other than the special stamps so provided for such particular instruments.

(2) That it shall be lawful for the Governor, with the like advice, to authorize, by notice to be published in the *Gazette*, any bank doing business in this colony to compound for the payment of duty on unstamped cheques, on the following conditions :—(1) that the said cheques be drawn and issued on forms to be supplied by the said bank; (2) that the said bank do levy upon or charge to the person to whom such cheques are issued the stamp duty mentioned in the schedule B to this Ordinance annexed; (3) that the said bank do pay every half-year to the Commissioner the amount due and collected therein as duties on such unstamped cheques, less five rupees per centum to be allowed to such bank as discount on the sum so due and collected as stamp duties; and payment of the said dues shall be secured by a bond to be entered into by every such bank as aforesaid, which bond shall be substantially in the form, and with the conditions set forth, in the schedule C to this Ordinance annexed. Cheques drawn and issued on forms so supplied by such bank as aforesaid may be paid without bearing on them the stamp mentioned in the schedule hereto annexed.

Cheques drawn on forms supplied by a privileged bank need not bear a stamp.

6 It shall be lawful for all persons having in their possession any stamps not made use of, and which by the operation of this Ordinance shall be rendered unsuitable for the instruments for which the same were originally intended, to tender the same at the Stamp Office in Colombo, or at any kachchéri, at any time within six months from the date when under the operation of this Ordinance such stamps shall have become unsuitable; and the Commissioner of Stamps or the government agent to whom such stamps may be tendered shall be bound to receive the same and to give in lieu thereof such other stamps of equivalent value as under the provisions of this Ordinance are required to be used for the purposes for which the stamps so returned were intended.

Stamps rendered useless by this Ordinance may be exchanged.

7 Except as otherwise provided by this Ordinance, no instrument executed in any part of this island, or relating, wheresoever executed, to any property situate, or to any matter done or to be done, in any part of this island, shall, except in criminal proceedings, be pleaded or given in evidence, or admitted to be good, useful, or available in law, unless it is duly stamped in accordance with the law in force at the time when it was first executed.

Effect of a writing not duly stamped.

8 An instrument is not to be deemed duly stamped unless the stamp thereon be of not less than the proper amount of duty required by this Ordinance, and where the stamp used is an adhesive stamp, unless the person required by this Ordinance to cancel the stamp affixed to the instrument

Stamps to be duly cancelled.

Mode of cancellation.

cancels the same by writing or marking in ink on or across the stamp his name or initials, or the name or initials of his firm or principal, together with the true date of his so writing, or marking, or unless it is otherwise proved that the stamp appearing on the instrument was affixed thereto at the proper time.

Whose duty to cancel.

In all cases where special provision is not made in this Ordinance indicating the person who should cancel the adhesive stamp affixed to any instrument, it shall be the duty of the person who shall first execute the instrument, or issue or deliver it out of his hands, custody, or power, to cancel the same.

The writing in an instrument shall be close to the stamp.

9 All writings in respect whereof stamp duty shall be payable shall be written in such manner that some part thereof shall be either upon or as near as conveniently may be to the stamps affixed to or impressed on the material whereon the same shall be written, upon pain that the person who shall write or cause to be written any such instrument, contrary to the true intent of this section, shall for every such offence be liable to a penalty not exceeding fifty rupees.

Every Government or bank official to see that instruments coming before them are stamped, and to mark same by cutting them.

10 It shall be the duty of every officer in the service of Government, and of any banker doing business in this island, to see that no instrument liable to stamp duty is received or admitted, or registered or issued by him, unless it shall have been duly stamped and the stamp thereon duly cancelled as directed by this Ordinance, and to mark every adhesive stamp coming before him for the first time in the ordinary course of business, by cutting it with a prick, punch, cutter, or nipper, in such way that such stamp cannot be again used, and as the Governor shall from time to time direct, provided that it shall not have been previously so cut. Provided also that it shall not be necessary so to mark foreign bills of exchange drawn in, but payable out of, this colony.

Proviso.

Parties signing, issuing, delivering, or using any instrument to see stamp duly cancelled.

11 It shall be the duty of every person signing as party, or any person issuing, delivering, or using for any purpose, any instrument required by this Ordinance to be stamped, to see that such instrument has been stamped with the proper amount of duty thereon, and that the stamps affixed thereon or used therefor are distinctly cancelled, before he signs, issues, delivers, or uses such instrument. Every person signing as party, or issuing, delivering, or using any instrument required by this Ordinance to be stamped, without seeing that such instrument has been duly stamped as aforesaid, or without the stamps thereon having been previously distinctly cancelled, shall be guilty of an offence, and liable to a fine not exceeding two hundred rupees.

Notaries to state amount of stamps affixed to documents attested by them, under a fine of two hundred rupees.

12 It shall be the duty of every notary public who shall attest any instrument for which adhesive stamps are used, to state in his attestation the amount of the stamps affixed to such instrument, and to cancel the stamps thereon as directed by this Ordinance. Every notary public who shall attest any document without so stating the amount of such stamp, or shall fail to cancel the stamps as directed by this

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Ordinance, shall be guilty of an offence, and be liable to a fine not exceeding two hundred rupees. But no omission of such statement on the part of such notary shall affect the validity of such instrument.

Omission of notary not to invalidate document.

13 In any case in which any person is entitled or required to demand, receive, or obtain from any public officer in the service of Her Majesty or of the Government of this island, in virtue of his office, or in which any such public officer is required or authorized to issue to any person any instrument whatever which is required to bear a stamp, it shall be lawful for such public officer, and he is hereby required, to refuse to issue or grant to, and to withhold from, such person, any such instrument, until the proper amount of stamp duty payable thereon shall first have been paid by such person in respect of such instrument, or until a stamp of the proper amount of duty shall have been supplied and delivered by him to such public officer.

No instrument requiring a stamp to be issued by any public officer, unless the duty is first paid.

Bills, Notes, Drafts, Receipts, &c.

14 The duties imposed by this Ordinance in respect of bills of exchange drawn out of this colony shall attach and be payable upon all such bills as shall be paid or negotiated within this colony, wheresoever the same may be payable, and adhesive stamps shall be affixed to such bills as hereinafter directed.

Duties on bills drawn out of this colony.

15 Every bill of exchange which purports to be drawn at any place out of this colony shall, for all the purposes of this Ordinance, be deemed to be a foreign bill of exchange drawn out of this colony, and shall be chargeable with stamp duty accordingly, notwithstanding that in fact the same may have been drawn within this colony.

Bills purporting to be drawn out of this colony deemed, for the purposes of this Ordinance, to be so drawn.

16 The holder of any bill of exchange drawn out of this colony, and not having a proper adhesive stamp affixed thereon, as herein directed, shall, before he shall present the same for payment, or in any manner negotiate such bill, affix thereon a proper adhesive stamp for denoting the duty chargeable thereon, and shall, before he shall deliver the same out of his hands, custody, or power, cancel the stamp so affixed in manner directed by this Ordinance.

The holder of a bill drawn out of this colony to stamp it before negotiating it.

17 Where any draft, cheque (except as provided in section 5), or order for the payment of money by any banker, or person acting as a banker, shall come to the hands of such person unstamped, it shall be lawful for him to affix thereto the necessary stamp and to cancel the same in manner as directed by this Ordinance, and upon so doing to make the payment thereby directed, and to charge the duty in account against the person who ought to have paid the same, or to deduct such duty from the sum so directed to be paid ; and such draft, cheque, or order shall, so far as relates to the stamp duty chargeable thereon, be good and valid ; but this shall not relieve any person from the liability to the penalty he may have incurred by issuing the said draft, cheque, or order unstamped.

Banker may affix stamp to draft, cheque, or order.

Stamp for receipt may be supplied by debtor.

18 It shall be lawful for any person, or any agent of any person, from whom any sum of money shall be due or payable, or claimed to be due or payable, and who shall have paid such sum of money, to provide a stamp of the proper amount of duty, and to demand and require of the person entitled to such sum of money, or any agent to whom the same shall have been paid, a receipt, discharge, or acquittance for such sum of money, and also the amount of the duty thereon as aforesaid; and if any person to whom any sum of money shall have been paid as aforesaid shall refuse to give such receipt, discharge, or acquittance, upon demand thereof, or pay the amount of the duty as aforesaid, every such person shall be guilty of an offence, and shall be liable to a fine of fifty rupees.

When bills, drafts, or orders may be stamped after they have been given.

19 In any case where it shall be fully and clearly made to appear to the satisfaction of the Commissioner that any bill of exchange, draft, cheque (except as provided in section 5), or order, or any promissory note, or any receipt given upon the payment of money, has been signed or issued without being duly stamped as herein directed, from urgent necessity or unavoidable circumstances, and without any intention on the part of the parties thereto to evade the stamp duties imposed by law, and such bill, draft, cheque, order, note, or receipt shall not have been accepted or paid, and shall be brought to the Commissioner to be stamped within fourteen days from the date thereof, it shall be lawful for such Commissioner, on payment of the duty by law payable in respect of such instrument, and a further sum of ten rupees, to affix to such instrument a stamp of the proper amount of duty, and to cancel the same as directed by this Ordinance, and every such instrument, so stamped as aforesaid, shall have the like force and validity in law as if it had been duly stamped before the same was signed or issued.

Penalties.

20 The following penalties are hereby imposed for any of the following acts:

For not affixing proper stamp to foreign bills, or not cancelling the same.

(1) If any person shall present for payment, or shall pay or negotiate any bill of exchange purporting to be drawn at any place out of this colony, or drawn out of this colony, without the proper adhesive stamp being duly affixed thereon, or if any person who ought to cancel such stamp shall refuse or neglect so to do, he shall be guilty of an offence, and be liable to a fine not exceeding two hundred rupees.

For not affixing proper stamp to inland bills, or not cancelling the same.

(2) If any person shall within this colony make, sign, or issue, or cause to be made, signed, or issued, any bill of exchange, draft, cheque (except as provided in section 5), or order, or promissory note, for the payment of money, liable to any of the duties imposed by this Ordinance, without affixing stamps of the proper amount of duty to such instrument, and cancelling the same as directed by this Ordinance, and if any person shall accept or pay, or cause

to be accepted or paid, any such instrument not duly stamped as aforesaid, he shall be guilty of an offence, and shall for every such bill, draft, cheque, order, or note be liable to a fine not exceeding two hundred rupees.

(3) If any person shall within this colony draw and issue any bill of exchange payable out of this colony, purporting to be drawn in a set, and shall not draw and issue, with the proper stamp affixed and cancelled as directed by this Ordinance, the whole number of bills which such bill purports the set to consist of; or if any person shall within this colony transfer or negotiate any such bill of exchange as aforesaid, purporting to be drawn in a set, and shall not at the same time transfer or deliver the whole number of bills, duly stamped and cancelled as aforesaid, which such bill purports the set to consist of; he shall be guilty of an offence, and be liable to a fine not exceeding five hundred rupees.

For not drawing the whole number of a set of foreign bill

No person who shall take or receive in this colony from any other person, either on payment or as a security, or by purchase or otherwise, any bill in this article specified, without having transferred or delivered to him, duly stamped and cancelled as aforesaid, the whole number of bills which such bill purports the set to consist of, nor any person who shall take and receive, as aforesaid, any foreign or inland bill of exchange, draft, cheque (except as provided in section 5), or order, in the first and second articles of this section specified, without the same being duly stamped and cancelled as aforesaid, shall be entitled to recover thereon or to make the same available for any purpose whatsoever.

Person taking instruments contrary to the provisions of this and the two preceding articles not entitled to recover thereon.

(4) If any person shall make and issue, or cause to be made and issued, any bill of exchange, draft, cheque, or order, or promissory note for the payment of money at any time after date or sight, which shall bear date subsequent to the day on which it shall be issued, unless the same shall be duly stamped as a bill or note, such person shall, for every such bill, draft, cheque, order, or promissory note, forfeit any sum not exceeding two hundred rupees; and no person knowingly taking or receiving any such post-dated bill, draft, cheque, order, or promissory note, shall be entitled to recover any money thereon, or to set off the amount due thereon, or any part thereof, in account with any person or persons.

For post-dating bills of exchange.

Person taking the same not entitled to recover thereon

(5) If any person shall make and issue, or cause to be made and issued, any bill, draft, cheque, or order for the payment of money to the bearer on demand,

For post-dating drafts on banker.

upon any banker or any person acting as a banker, which shall be dated on any day subsequent to the day on which it shall be issued, unless the said bill, draft, cheque, or order shall be duly stamped as a bill or note according to this Ordinance, such person shall, for every such bill, draft, cheque, or order, forfeit any sum not exceeding two hundred rupees; and if any person shall knowingly receive or take any such bill, draft, cheque, or order in payment of, or as security for, the sum therein mentioned, he shall for every such bill, draft, cheque, or order, forfeit any sum not exceeding two hundred rupees; and if any banker, or any person acting as a banker, upon whom any such bill, draft, cheque, or order shall be drawn, shall pay or cause or permit to be paid, the sum of money therein expressed, or any part thereof, knowing the same to be post-dated, such banker or person so offending shall, for every such bill, draft, cheque, or order, be liable to forfeit the sum of five hundred rupees, and moreover shall not be allowed the money so paid, or any part thereof, in account against the said person by or for whom such bill, draft, cheque, or order shall be drawn, or his executors or administrators, or creditors or persons representing creditors, in case of bankruptcy or insolvency, or any other person or persons claiming under him or them.

For taking same.

On banker, for paying the same.

For committing frauds in the use of stamps, in regard to any instrument.

(6) If any person shall, with intent to defraud Her Majesty, remove, or cause to be removed, from any instrument any stamp; or affix any such stamp, which shall have been so removed, to any other instrument chargeable with stamp duty, or to any paper or other material; or sell, or offer for sale, or utter any stamp, or utter any instrument with any stamp thereon, which shall have been so removed as aforesaid, knowing the stamp to have been so removed as aforesaid, or practice or be concerned in any fraudulent act, contrivance, or device not specially provided for, he shall forfeit, over and above any other penalty to which he may be liable, the sum of one thousand rupees.

For writing receipts not duly stamped.

(7) Every person who shall write or sign, or cause to be written or signed, any receipt, discharge, or acquittance given for or upon the payment of money, liable to stamp duty, upon any paper or other material, without the same being duly stamped as directed by this Ordinance, shall forfeit and pay any sum not exceeding fifty rupees, in case the sum paid, contained, or expressed in such receipt, discharge, or acquittance shall not amount to the sum of one thousand rupees; or any sum not exceeding two hundred rupees, in case such sum shall amount to one thousand rupees or upwards.

Consideration and Value in Deeds and Instruments.

Consideration and value to be truly set forth in instruments.

21 In all cases where a duty is imposed on any instrument in proportion to the consideration money, and in all cases where a duty is imposed on any instrument in proportion to the value of the property, the full consideration money which shall be directly or indirectly paid or secured, or agreed to be paid or secured for the same, or the full value of the property at the time of execution of such instrument, respectively (as the case may be), shall be truly expressed and set forth in words at length in or upon such instrument; and if in any of the said cases the full consideration money or the full value of the property (as the case may be) shall not be truly expressed and set forth, or if the true transaction between the parties be in any way concealed or misrepresented, in order to evade the stamp duties, the purchaser, and also the seller, the mortgagee and also the mortgagor, the donee and also the donor, the transferee and also the transferor (as the case may be), shall each be liable to a fine not exceeding five hundred rupees, and shall also be charged and chargeable with, and be each holden liable to, the payment of five times the amount of the excess of duty which would have been payable for such instrument as aforesaid in respect of the full consideration money or full value, in case the same had been truly expressed and set forth in or upon the instrument pursuant to the directions of this section, beyond the amount of the duty actually paid for the same; which quintuple duty shall be deemed and taken to be a debt to Her Majesty of the party or parties respectively hereby made liable to pay the same, and shall and may be sued for and recovered accordingly. Provided that if any or either of the said parties shall give information to the Commissioner or to any government agent, or police magistrate, whereby such penalty or quintuple duty, or any part thereof, shall be recovered from any other party or parties liable thereto, the party giving the information shall not only be indemnified and discharged of such his liability, but shall also be rewarded out of the penalty or quintuple duty recovered, to such extent as the Governor shall think proper, but not exceeding one-half of the amount received and realized.

Parties informing to be indemnified

Purchaser may recover back so much of the consideration as is not stated.

22 Where, in case of sale, the full consideration money shall not be truly expressed and set forth in the manner hereby directed, the purchaser or his heirs, executors, or administrators, or assignees, may recover back from the seller, or his heirs, executors, or administrators, or assignees, so much of the purchase or consideration money as shall not be expressed and set forth as aforesaid, or the whole thereof, if no part of the same shall be so expressed and set forth.

Penalties on notaries and others for not inserting the true

23 If any notary or other persons who shall be employed in or about the preparing of any such instrument in or upon which the full consideration money or value is hereby required to be truly expressed and set forth as aforesaid, or who shall be employed for any of the parties thereto in any

consideration or value.

wise about or relating to the transaction therein mentioned, shall knowingly and wilfully insert or set forth, or cause to be inserted or set forth, in or upon any such instrument, any other than the full and true consideration money directly or indirectly paid or secured, or agreed to be paid or secured for the same, or the actual value of the same as before directed, or shall in any wise aid or assist in the doing thereof, respectively, every such notary, or other person so offending, shall be guilty of an offence, and be liable, for every such offence, to a fine not exceeding one thousand rupees.

Probates and Letters of Administration.

Duty on probates how ascertained.

24 No court in this island shall grant probate or letters of administration of the property and estate of any deceased person, without first requiring and receiving from the person or persons applying for the same, or from some other competent person or persons, an affidavit that the movable and immovable property and estate of the deceased in this island, for or in respect of which probate or letters of administration are to be granted, exclusive of what the deceased shall have been possessed of or entitled to as a trustee, and not beneficially, and without deducting anything on account of the debts due and owing from the deceased (excepting debts due on mortgage or on notarial bonds), are of the value of a certain sum, to be therein specified to the best of the deponent's knowledge, information, and belief, in order that the proper and full stamp duty may be paid by the person to whom such probate or letters of administration shall be granted. When the amount of such stamp duty has been paid into court by the applicant for probate or letters of administration, the judge shall transmit such amount to the Commissioner, together with the probate or letters of administration, and the Commissioner shall cause such instrument to be duly stamped and shall thereupon return the same to the judge by whom it was forwarded.

Proceedings, if too great stamp duty has been paid on probate.

25 When any person shall have estimated the property and estate of the deceased to be of greater value than the same shall afterwards prove to be, and shall, in consequence, have paid too high stamp duty on any such probate or letters of administration, if such person shall, within six months after the true value of the property and estate shall have been ascertained, produce any such instrument to the court which granted the same, and it shall be proved to the satisfaction of such court that a greater stamp duty has been paid than the law required, it shall be lawful for the judge of such court to write upon any such instrument the amount of stamp duty which was legally payable thereon: and upon production thereof at the stamp office, it shall be lawful for the Commissioner to repay the difference between the duty paid and that legally payable after deducting the discount of five per centum on the difference in money to the party producing such instrument, and to certify thereon that such has been repaid.

Proceedings, if too little stamp duty has been paid.

26 When too little stamp duty shall have been paid on any such probate or letters of administration in consequence of any mistake or misapprehension, or of its not being known at the time that some particular part of the property and estate belonged to the deceased, it shall be lawful for the judge of the court by which such instrument was granted, if the application to have the proper stamp affixed shall be made within six months after the true value of the property and estate shall be ascertained, to transmit such instrument to the stamp office in order that the proper stamp may be affixed, without requiring the applicant to pay the penalty payable under the provisions of this or any former Ordinance for stamping deeds or other instruments which have not been stamped, or which have been insufficiently stamped; and the Commissioner shall thereupon, and upon receipt of the money to be paid thereon, or upon the said money being transmitted to him by some government agent, cause the proper stamp to be affixed to such instrument, and cancel the same himself in the manner directed in this Ordinance and return the instrument to the judge by whom it was transmitted to him.

Provision for stamping second or further probate or letters of administration.

27 In any case wherein any former probate of a will or letters of administration shall have been taken out, and the full amount of the duties payable thereon by any law then in force, according to the full value of such estate, shall have been duly paid and discharged, and wherein any further or other probate or letters of administration shall at any time thereafter be applied for in respect of such estate, it shall be lawful for the Commissioner, upon the production of an unstamped probate or letters of administration, with the certificate of the district judge having jurisdiction in respect of such estate endorsed thereon, to the effect that such further probate or letters of administration has become necessary, to cause a stamp according to the value of the estate to be affixed to the probate or letters of administration produced to him, without making any charge therefor. And the Commissioner shall cancel the said stamp in the manner directed in this Ordinance, and write the word "duplicate" on the instrument, and affix his signature thereto. And such instrument shall be as available in law, and of like value and effect in all respects whatever, as the probate or letters of administration originally issued by the court.

Stamp duty to be allowed where will or letters proved and duty paid more than once.

28 Where proof is adduced to the satisfaction of the district judge having jurisdiction in respect of the estate that any will has, owing to inadvertence or mistake, or any other cause, been proved, or that any letters of administration have been taken out on the same property in more than one court in the colony, or more than once in any such court, or that letters of administration have been taken in such court, in ignorance of the existence of a will, requiring probate thereof, and that, by reason thereof, more than one stamp duty has been paid thereupon, the district judge shall certify thereto, and the Commissioner shall, on the production of such certificate and, if need be, upon delivery to him of the

useless probate or letters of administration to be cancelled, and on production of the valid probate or letters of administration, cancel such useless probate or letters of administration, and pay the value of the stamp, less five per centum thereon, to the person producing such certificate.

Penalty for not getting proper stamp affixed to probate.

29 Where too little duty shall have been paid, as in the 26th section mentioned, if any executor or administrator, acting under such probate or letters of administration, shall not within six months after the discovery of the mistake or misapprehension, or of any property or estate not known at the time to have belonged to the deceased, apply to the proper court for the purpose of having the proper stamp affixed, he shall, in addition to the payment of the penalty imposed by the 32nd section of this Ordinance on the stamping of any unstamped or insufficiently stamped instrument, incur and be liable to a further penalty not exceeding two hundred rupees; and the judge of the said court shall not transmit such instrument to the stamp office, to have the proper stamp affixed, until the said several penalties have been paid into court, nor shall the Commissioner cause the proper stamp to be affixed thereon, unless a certificate shall be produced to him under the hand of such judge that the said penalties have been paid. But, upon the production of such certificate, and upon receipt of the stamp duty to be paid on such probate or letters of administration, or upon the transmission to him by some government agent of the stamp duty to be paid thereon, the Commissioner shall cause the proper stamp to be affixed to such instrument, and cancel the same in the manner directed by this Ordinance, and return the instrument to the judge by whom it was transmitted to him.

Duty may be returned on account of debts, if claimed within three years.

30 Provided that where it shall be proved to the satisfaction of the district judge having jurisdiction in respect of the estate that an executor has paid debts, of whatever nature, due and owing from the deceased, other than the debts deducted from the estate under the 24th section of this Ordinance, such debts so paid being payable by law from the estate of the deceased, and amounting to such a sum as, being deducted from the value of the estate for or in respect of which the probate duty or duty on letters of administration shall have been assessed, shall reduce the duty to a less sum than was actually paid, and the district judge shall certify thereto, the Commissioner shall, on production of such certificate, return the difference, deducting the discount of five per centum thereon, provided the said difference be claimed within three years after the date of the probate or letters of administration, or the recording of the inventory; but where, by reason of any legal proceeding the debts shall not have been ascertained and paid, or the effects shall not have been recovered and made available, and, in consequence, the executor or administrator shall be prevented from claiming such return within three years, the Commissioner may allow such further time for making the claim as may appear to him to be reasonable.

Instruments not duly stamped may be stamped.

31 Every letter or power of attorney or appointment of a proctor executed out of this colony, and which, according to the provisions of this Ordinance, requires to be stamped before it can be used in this colony, shall be sent or taken to the Commissioner before it shall be used (together with the amount of duty to which the same is liable) by the person or persons to whom the same is directed, and the Commissioner shall thereupon affix to or impress upon such instrument a stamp of the proper amount of such duty, and shall cancel the said stamp in the manner directed by this Ordinance, and every such instrument so stamped shall have the like force and validity in law as if it had been duly stamped when the same was executed.

Letters and powers of attorney and proxies to proctors executed out of the colony, how to be stamped.

32 Where any instrument liable by law to any stamp duty shall be signed or executed by any person without its being duly stamped, and special provision to meet such case is not made in this Ordinance, then and in every such case the parties to such instrument, and the notary public, if any, by whom the same shall have been attested, shall be guilty of an offence, and shall each be liable to a fine not exceeding one hundred rupees. And the Commissioner is hereby required, upon payment of the said duty or deficiency of duty, and of such fine as he may see fit, with the sanction of the Governor, to impose, to affix to the said instrument a stamp of the proper amount of such duty or deficiency of duty, and to cancel the said stamps in the manner directed by this Ordinance: and every such instrument so stamped as aforesaid shall have the like force and validity in law as if it had been duly stamped when the same was executed. Provided always that where it shall appear to the Commissioner, upon oath or otherwise, to his satisfaction, that any instrument has not been duly stamped previously to being signed or executed by reason of accident, mistake, inadvertency, or urgent necessity, and without any wilful design or intention to defraud Her Majesty of the duty chargeable in respect thereof, or to evade or delay the payment of such duty, then and in every such case, if such instrument shall be brought or sent to the Commissioner to be stamped within twelve months after the first signing or executing the same by any person, and the stamp duty chargeable thereon by law shall be paid, it shall be lawful for such Commissioner, with the previous sanction and under the authority of the Governor, to remit the whole or any part of the penalty payable on stamping such instrument, and to cause such instrument to be duly stamped in manner above mentioned, upon payment of the whole or of the deficiency of the stamp duty chargeable thereon by law, as the case may be, and either with or without any portion of the said penalty. Provided also that nothing herein contained shall extend, or be deemed or construed to extend, to any deed or instrument, for the stamping of which, after the signing or execution thereof, provision is specially made; or to any deed or instrument

Terms and conditions on which instruments may be stamped after the signing thereof.

Commissioner may remit penalty on stamping certain instruments within twelve months after the signing thereof.

Not to extend to instruments for the stamping of which, after the signing thereof, special provision

is made, or to cases where the stamping is prohibited by law.

the stamping of which, after the signing or execution thereof, is expressly prohibited or restricted by any such law as aforesaid ; or to repeal, alter, or affect any such provision, prohibition, or restriction.

Instrument may be sent to the government agent to be stamped.

33 Where in any case it shall be inconvenient to any person to take or send any instrument to the Commissioner to be stamped under any of the provisions of this Ordinance or to remit to the Commissioner the amount of the stamp duty, and of any penalty to which he may be liable, it shall be lawful for any such person to bring or send the said instrument to the nearest government agent, and to pay to him the amount of such duty and penalty. And the said government agent shall thereupon transmit such instrument, together with such sum or sums of money, to the Commissioner, who shall thereupon cause the said instrument to be duly stamped as directed by this Ordinance ; and the instrument shall thereafter be returned by such Commissioner to the said government agent, to be delivered to the person from whom the same was received.

Stamping of Pleadings and Instruments tendered in any cause.

Stamps may be attached to pleadings and instruments tendered in a cause and not duly stamped.

34 If any pleading or other instrument specified in part II. of the schedule B hereto annexed shall not bear the proper amount of stamp duty, it shall be lawful for the judge, should he see fit to do so, to allow the person tendering such pleading or other instrument to attach thereto the stamps necessary to supply the deficiency of duty, and when such stamps have been supplied to proceed with the action as if such pleading or instrument had been originally duly stamped.

Provision for stamping instruments at the trial.

35 Upon the production, as evidence, at the trial of any cause, of any instrument liable to stamp duty, which is unstamped or not duly stamped, the officer of the court, whose duty it is to read such instrument, shall call the attention of the judge to any omission or insufficiency of the stamp, if the same has not been already noticed by the judge ; and the instrument, if unstamped or not duly stamped, shall not (except as hereinafter provided) be received in evidence until (if the instrument is one which may legally be stamped after the execution thereof) the whole or the deficiency of the stamp duty payable thereon, as the case may be, and the penalty required by this Ordinance, together with an additional penalty of five rupees, shall have been paid into court.

On payment into court of duty and penalty, instrument to be received in evidence.

36 Upon payment into court of the whole or of the deficiency of the stamp duty (as the case may be) payable upon or in respect of such instrument, and of the penalty required by this Ordinance, and of the additional penalty of five rupees, as above provided, the judge shall forward such instrument to the Commissioner, together with the amount of duty and penalty paid into court, and the Commissioner shall, on receipt thereof, cause such instrument to be duly stamped, and return the same to the judge ; thereupon such instrument shall be admissible in evidence, saving all just

exceptions on other grounds. Provided that the aforesaid enactment shall not extend to any instrument which cannot be stamped after the execution thereof. Provided also that it shall be lawful for the judge, in his discretion, to allow a party tendering any unstamped or not duly stamped instrument in evidence (if such instrument may be stamped after the execution thereof, on payment of the duty and a penalty), in any case in which it shall appear to the judge that such party was previously ignorant of the objection to the reception in evidence of the instrument, on the ground that the same is not stamped or not duly stamped, and that such party is unable forthwith to pay into court the amount of the duty or deficiency of duty, and the penalties aforesaid, such time, not exceeding seven days, as the judge shall deem reasonable for the payment into court of such duty or deficiency of duty, and penalties as aforesaid, on the undertaking of the party to pay the same at the appointed time. And thereupon the court shall allow the trial of the cause to proceed, and such instrument to be put in evidence, saving all just exceptions on other grounds, but shall suspend the judgment therein for the time allowed for making such payment; and if payment is then made, the judge shall cause the instrument to be duly stamped in the manner prescribed in the preceding section: but if such payment be not then made, the court shall strike out the evidence relating to such instrument, and give judgment in the cause irrespective of such instrument, and shall cause the amount which such party has undertaken to pay into court as aforesaid, to be forthwith levied by writ of execution against his property and person—such process to be free of stamp duty.

Proviso.

In certain cases judge may allow time to party to pay duty and penalties.

Proceedings thereupon.

Removal of doubts as to the sufficiency of Stamps.

37 Any person who is desirous to remove doubts as to whether an instrument not already tendered in any action is liable to stamp duty, or, if liable, to what extent, may, before or after the execution of such instrument, and whether the same be previously stamped or not, apply in writing to the Commissioner to declare his opinion thereon. It shall then be lawful for the Commissioner, and he is hereby required, upon payment to him of a fee of five rupees, to declare in writing whether the instrument is liable to stamp duty or not, and, if liable, to state the amount of duty, and the penalty, if any, to which such person is liable.

Person desirous to remove doubts may apply to Commissioner to declare the duty to which any instrument is liable.

38 If the person making the application shall be dissatisfied with the determination of the Commissioner, he may appeal against the same to the Supreme Court, within ten days after the same shall be made known to him; and, upon the application of such person (due notice thereof being given to the Attorney-General to the end that he may be heard on behalf of Her Majesty), it shall be lawful for the said court, and it is hereby required summarily to hear and determine the said appeal, and to make such order as to costs as it shall deem just.

Appeals to Supreme Court.

Instrument may be stamped.

39 If the Commissioner determines that such instrument is liable to stamp duty or to additional stamp duty, and if there be no appeal from his decision, or if an appeal is taken and the Supreme Court decides that the instrument is liable to stamp duty or additional stamp duty, the person tendering such instrument shall pay to the Commissioner the amount of such duty or additional duty, together with a penalty of five rupees; and the Commissioner shall thereupon cause such instrument to be duly stamped, and shall return the same to the person by whom it was tendered.

Commissioner before assessing the duty upon any instrument may require proof that the facts upon which the duty depends are truly stated.

40 In any case where application is made to the Commissioner as aforesaid, it shall be lawful for him to require such evidence by affidavit as he may deem necessary, in order to show to his satisfaction whether or not the consideration or value, or any other matter or thing, upon the full and proper statement of which the stamp duty payable thereon shall in any measure depend, is truly and fully set forth therein. The Commissioner may also, when necessary, direct an appraisement of property to be made, to ascertain its value, and determine the amount to be paid for the appraisement by the person in respect of whose application such appraisement is deemed necessary. The said Commissioner may in any case refuse to cause any such instrument, or any duplicate, to be stamped and endorsed as aforesaid, except on payment of the full stamp duty which would be chargeable on such instrument if all or any of such matters and things aforesaid had been truly set forth therein. Provided that no such evidence shall be used against any person giving the same, in any proceeding whatever, except only in any inquiry as to the stamp duty with which such instrument is chargeable; and every such person shall, upon payment of such full stamp duty as aforesaid, be relieved from any penalty, forfeiture, or liability he may have incurred by reason of the omission to state truly in such instrument any of the facts, matters, and things aforesaid.

The evidence not to be used for any other purpose.

Licensed Dealers in Stamps.

Commissioner may license persons to deal in stamps.

41 It shall be lawful for the Commissioner, with the sanction of the Governor, to grant licenses to all persons, except notaries, applying for the same, whom he in his discretion shall think fit and proper for the purpose, to vend and deal in stamps, at any place or places in this island to be named in such license. Every such license shall be subject to annual renewal. Provided that it shall be lawful for the Commissioner, with the sanction of the Governor, to grant or refuse such renewal. Provided also that every person to whom any such license shall be granted shall enter into a bond to Her Majesty in a penal sum of one thousand rupees, conditioned that such licensed person shall not sell or offer for sale or exchange or keep or have in his possession, for the purpose of sale or exchange, any stamp or stamps other than such as he shall have purchased or procured at the Commissioner's office in Colombo, or at some kachchéri,

Persons licensed to enter into bond.

Condition thereof.

or from some person licensed to deal in stamps, under the authority of this Ordinance, and that he shall keep such entries and accounts of the stamps sold by him, and observe such conditions, and forward such returns, as the Commissioner shall from time to time prescribe. Provided further that one license and one bond only shall be required for any number of persons in co-partnership. And it shall be lawful for the said Commissioner, whenever he shall think fit, by notice in writing signed by him, to revoke and make void any such license as aforesaid.

License may be revoked.

42 In every license to vend or deal in stamps there shall be truly specified the proper name and place of abode of the person to whom the same shall be granted, and a true description of the place at which he shall by such license be authorized to vend or deal in stamps; and such person shall not be thereby authorized or entitled to vend or deal in stamps at any other place than such as shall be specified and prescribed in such license.

Particulars to be specified in license.

43 No person, other than the Commissioner or a government agent, shall vend or deal in stamps in any part of this island without having first obtained from the Commissioner a license for that purpose, which shall be in force and unrevoked at the time of such vending or dealing; and if any person, other than such Commissioner or government agent, shall sell or offer for sale any stamp denoting or purporting to denote any stamp duty, or shall exchange any such stamp for any other stamp or for any other article or thing, without holding such license as aforesaid, and in accordance with the terms of such license, he shall for every such offence be liable to a fine not exceeding one hundred rupees. Provided that it shall be lawful for any person employed to prepare or write any instrument liable to stamp duty, to charge his employer with the amount of the stamp or stamps affixed to or impressed on the paper or other material upon which such instrument shall be written, without having obtained any such license as aforesaid to vend or deal in stamps.

No person to deal in stamps without such license.

As to persons employed to write instruments liable to stamp duty.

44 Every person authorized to vend or deal in stamps shall be bound and required, at the time of the sale of any adhesive stamps, and before delivery thereof to the purchaser, to mark the stamps at the bottom thereof with his name or initials, or the name or initials of his firm, and with the date of sale. But nothing herein contained shall be deemed to apply to postage stamps used for revenue purposes. And in the case of impressed stamps such vendor shall be bound, before delivery thereof to the purchaser, to draw or mark a line across each stamp, and to write his name or initials, or the name or initials of his firm, on the paper or material on which such stamp is impressed. Any vendor failing to comply with the provisions of this section, or acting contrary thereto, shall be guilty of an offence, and shall be liable to such punishment as a district court shall be empowered to inflict.

Stamp vendors to mark stamped paper sold by them.

Discount allowed to licensed dealers in stamps.

45 A discount shall be allowed to such licensed dealer on the purchase of any stamp at the stamp office in Colombo, or from any government agent, after the rate of five rupees *per centum*, on the prompt payment of any sum amounting to two hundred rupees or upwards, and (in any case in which the Governor shall in his discretion think fit to authorize the same) after the rate of two and a half rupees *per centum*, on the prompt payment of any sum amounting to one hundred rupees and under two hundred rupees. Provided that it shall be lawful for the Commissioner or for the government agent to prescribe rules from time to time, as to the times of issue and the quantities of each description of stamps to be issued to vendors at any one time from the stamp office or from the several kachchéries, respectively.

Commissioner may make rules.

Licensed dealers in stamps to paint their names, &c., in front of their houses or shops.

46 Every person who shall be licensed under the authority of this Ordinance to deal in stamps shall cause to be painted in capital letters, one inch at least in height, and of a proper and proportionate breadth, on some conspicuous place on the outside of the front of the house or shop at which he shall be licensed to deal in stamps, and so that the same shall be at all times distinctly legible, the full name of such licensed person, together with the words "Licensed to deal in Stamps," and words of similar import in the Sinhalese and Tamil languages ; and such person shall keep such name and words so painted during all the time that he shall continue licensed ; and if any person so licensed shall neglect or omit to keep the same so painted, he shall be guilty of an offence, and be liable to a fine not exceeding one hundred rupees. Provided that in the case of several persons licensed as aforesaid in co-partnership, it shall be sufficient if the name of one only of such persons, or of the firm, be painted in manner aforesaid.

Penalty. Proviso as to partners.

Penalty on unlicensed persons holding themselves out as dealers in stamps.

47 If any person shall write, paint, or mark, or shall cause or procure to be written, painted, or marked, or shall permit or suffer to continue written, painted, or marked, upon any part of his house, shop, or premises, either in the inside or on the outside thereof, or upon any board, or any material whatever exposed to public view, and whether the same shall or shall not be affixed to such house, shop, or premises, any word or words which shall import or signify, or be intended to import or signify, that such person is a vendor of or dealer in stamps, such person not being licensed to deal in stamps, he shall be guilty of an offence, and be liable to a fine not exceeding one hundred rupees for every day such offence shall be committed or continued.

Allowance to be made for stamps in the possession of licensed vendors dying, or becoming insolvent, or

48 If any person licensed to vend or deal in stamps shall die or become insolvent, or if the license of any person to vend or deal in stamps shall expire or be revoked, and any such person, at the time of his death or insolvency, or at the expiration or revocation of any such license, shall have in his possession any quantity of stamps, it shall be lawful for such person, or his heirs, executors, or administrators, or

assignees, within three months after the expiration or revocation of such license, or next after the death or insolvency, as the case may be, to bring or send such stamps to the stamp office in Colombo; and it shall be lawful for the Commissioner to receive the same, and to return to the person bringing or sending the same the amount received therefor, deducting therefrom such percentage as may have been allowed to the person by whom the returned stamps were purchased. Provided that the person who shall bring or send such stamps to the said office shall satisfy the Commissioner that such stamps were actually in the possession of the person so dying, or becoming insolvent, or having had such license which had so expired or had been so revoked, for the purpose of sale, at the time when such person so died, or became insolvent, or when the said license expired or was revoked; and that such stamps were purchased or procured by the person to whom such license shall have been granted, from the Commissioner, or from some government agent, or person licensed to deal in stamps as aforesaid.

whose licenses are revoked.

49 Upon information given to the Commissioner or to a police magistrate, upon the oath of one or more credible person or persons, that there is reasonable cause to suspect that any person licensed to vend and deal in stamps has in his possession any forged or counterfeit stamp or stamps, it shall be lawful for the said Commissioner or police magistrate, by warrant under his hand, to authorize any person, and such person is hereby fully authorized accordingly, with the assistance, if required, of any constable or other peace officer, to enter, between the hours of six in the morning and six in the evening, into any building or place, and, if need be, to break open the same, and to search for and to seize, and to take into his possession, all such stamps as shall be in any such place as aforesaid; and all constables and other peace officers are hereby required, upon the request of any person or persons acting under such warrant, to aid and assist him or them in the execution thereof; and if any constable or other peace officer shall, upon any such request as aforesaid, refuse or neglect to aid and assist in the execution of any such warrant as aforesaid, or if any person shall refuse to permit any such search or seizure as aforesaid to be made, or shall assault, oppose, molest, or obstruct any person employed or acting in the execution or under the authority of any such warrant, or aiding or assisting in the execution thereof, every such constable, peace officer, or other person so offending in any of the cases aforesaid, shall be liable to a fine not exceeding two hundred rupees. Provided that any person who shall execute any such warrant shall, if required, give to the person in whose custody or possession any stamps shall be found and seized, an acknowledgment of the number, particulars, and amount of the stamps so seized, and shall permit such last-mentioned person, or any person employed by him, to mark the same before the removal thereof.

Commissioner of Stamps and police magistrates empowered to grant warrants to search and inspect the stocks of stamps of licensed dealers.

Power of entry.

Penalty for refusing to aid, &c., in the execution of such warrants, or assaulting persons employed in the execution thereof.

Proviso: acknowledgment to be given for stamps seized.

Other Penal Provisions.

Penalties on persons hawking stamps.

50 If any person, whether he shall be licensed to vend or deal in stamps or not, shall hawk or carry about for sale or exchange any stamps, or if any person shall utter or offer for sale or exchange any stamps at any place other than the place in which he shall have been licensed to vend or deal in stamps, every such person shall be guilty of an offence and liable to a fine not exceeding fifty rupees over and above any penalty to which he may be liable for vending or dealing in stamps without being licensed so to do; and it shall moreover be lawful for any person, without any other warrant than this Ordinance for that purpose, to apprehend any person so offending, and to cause him to be taken before any police magistrate having jurisdiction where the offence shall be committed, who shall hear and determine the matter; and all stamps which shall be found in possession of such offender shall be forfeited to Her Majesty, and shall be taken possession of by such magistrate, and be delivered over to the Commissioner to be disposed of in such manner as he shall think fit.

Hawkers of stamps may be apprehended and taken before police magistrate.

Miscellaneous.

Letters or powers of attorney for the purpose of appointing a proxy to vote, and voting papers, requisites of.

51 Every letter or power of attorney for the purpose of appointing a proxy to vote at any meeting shall specify the day upon which the meeting at which it is intended to be used is to be held, and shall be available only at the meeting so specified, or any adjournment thereof.

Penalty on making, executing, or voting under any such letter, &c., not fulfilling above requirements.

52 Every person who makes or executes any such letter or power not duly stamped, or votes or attempts to vote under or by means of any such letter or power not duly stamped, or under or by virtue of any such letter or power at any meeting not specified therein, whether the same is duly stamped or not, shall be guilty of an offence and liable to a fine not exceeding ten rupees; and every vote given or tendered under the authority or by means of any such letter or power not duly stamped, or under or by means of any such letter or power at any meeting not specified therein, whether the same is duly stamped or not, shall be absolutely null and void.

Spoiled stamps, allowance for.

53 When any person has in his possession—

(*a*) Any stamp either written upon and inadvertently and undesignedly spoiled or by any means rendered unfit for the purpose intended, and which shall not have been used for any other purpose; or

(*b*) Any stamp which shall have been used for any instrument not fully written, or not signed by any party thereto, or any stamped bill of exchange or promissory note which may have been signed on behalf of the drawers, but which has not been delivered out of their hands to the payee therein named, or to any person on their behalf, or deposited with any person as a security, or been in any way negotiated, and which bill of exchange has not been accepted or tendered for acceptance,

such person may bring or send such stamp, instrument, bill of exchange, or promissory note to the stamp office in Colombo; and if it is fully proved to the satisfaction of the Commissioner, by affidavits or otherwise, that such stamp has been so spoiled or rendered unfit as aforesaid, or that it has been rendered useless before the instrument, bill of exchange, or promissory note for which it was used was executed or signed, or made use of in any such manner as aforesaid, it shall be lawful for the said Commissioner to receive back such spoiled stamp, and to give another stamp of the like amount and description in lieu thereof.

Proviso.

Provided that no relief shall be afforded in the case of any stamped instrument, bill of exchange, or promissory note if the same is not brought or sent as hereinbefore provided within two months after the date of such instrument, bill of exchange, or promissory note, or after the writing or signing thereof if it bears no date.

Commissioner authorized to refund in money the amount of stamps spoiled or rendered useless.

54 In any case in which the Commissioner is authorized to receive back stamps spoiled or rendered useless, or unfit for the purpose intended, and to make allowance for the same by giving other stamps in lieu thereof, it shall be lawful for the said Commissioner, with the previous sanction and under the authority of the Governor, instead of giving stamps, to refund and repay to the person entitled to such allowance the amount thereof in money, deducting therefrom such percentage as may have been allowed on the purchase of the stamps; and it shall also be lawful for the said Commissioner, with the like sanction and authority, to refund and repay to any person possessing any stamp which shall not have been spoiled or rendered useless, or unfit for the purpose intended, but for which such person shall have no immediate use or occasion, the amount or value of such stamp in money, deducting therefrom such percentage as aforesaid, upon his delivering up such stamp to the said Commissioner, and proving to his satisfaction that the same was purchased by him with a *bonâ fide* intent to use the same, and that he has paid the full amount or value described by such stamp, without any deduction, or without any deduction save and except only the amount of such percentage as aforesaid.

Execution to issue, to recover stamps due from paupers who have succeeded in a suit.

55 It shall be the duty of the secretary of every district court to render to the district judge, on the first Monday of each month, a statement showing what stamps should have been used by any party to a suit *in formâ pauperis*, if he had not been allowed to sue or defend as a pauper, and who, having recovered judgment in such suit for his costs, has nevertheless failed either to repay the amount due for such stamps or to take the necessary steps under his judgment for the recovery thereof from the losing party. It shall thereupon be the duty of the judge to enforce payment of the amount due on account of such stamp by writ (free of stamp duty) of execution against the property and person of the party against whom judgment was given, or the party allowed to sue or defend *in formâ pauperis*, or against both.

Duty of court officers in respect thereof.

Also where the suit has not been duly prosecuted.

56 The like statement shall be rendered and like proceedings taken against any person who has obtained leave to sue *in formâ pauperis*, but who has not duly prosecuted his suit to judgment within a reasonable time or repaid the amount due on account of stamps.

Deficiency of stamp duty on testamentary proceedings.

57 It shall be the duty of the secretary of every district court to render to the district judge, on the first Monday of every quarter, a statement showing the deficiency of stamp duty in respect of every instrument, other than probate or letters of administration, required by law to be stamped in every testamentary suit then pending before such court. And whenever the district judge is satisfied that too little stamp duty has been paid in respect of any such instrument, whether by reason of the property having been undervalued when originally valued as required by section 24, or otherwise, the district judge shall require the party who tendered such instrument to make good the deficiency of stamp duty, and shall enforce payment of the same by writ (free of stamp duty) of execution against the property and person of such party.

Informer's share of fines.

58 It shall be lawful for the court to decree any portion of any fine actually recovered and realized under the provisions of this Ordinance, not exceeding one-half, to the informer, if it shall see fit so to do.

This Ordinance not to affect instruments required by other Ordinances to be stamped.

59 Nothing herein contained shall be held to affect instruments required to be stamped or instruments exempted from stamp duty according to other Ordinances now in force, the provisions in which are not hereby expressly repealed of altered.

The word "money" to include every currency.

60 The word "money" as used in this Ordinance shall be construed to include all sums whether expressed in Ceylon, British, foreign, or colonial currency.

And to be calculated at the current rate of exchange.

61 When in any instrument any money is stated or expressed in pounds sterling, francs, dollars, or any other denomination, the value of such money in Ceylon currency for the purposes of this Ordinance shall be calculated according to the current rate of exchange on the day of the date of the instrument.

Instruments stamped in accordance with statement of current rate of exchange to be regarded as duly stamped.

62 When an instrument contains a statement of current rate of exchange, and is stamped in accordance with such statement, it is, so far as regards the subject-matter of such statement, to be deemed duly stamped, unless or until it is shown that such statement is untrue, and that the instrument is in fact insufficiently stamped.

If more than one instrument is written on the same piece of material each to be separately stamped.

63 If more than one instrument is written upon the same piece of material, every one of such instruments is to be separately and distinctly stamped with the duty with which it is chargeable.

Where an instrument relates to distinct matters, such matters to be separately stamped.

64 Except where express provision to the contrary is made, an instrument containing or relating to several distinct matters is to be separately and distinctly charged with duty, as if it were a separate instrument in respect of each of such matters.

Exhibits of documents.

65 In the case of exhibits provided for in part II. of schedule B, a document bearing a stamp for registration purposes only shall be deemed a document on which no stamp is affixed or impressed, except where the duplicate is duly stamped.

Fees and charges for execution and service of process.

66 (1) Instead of a schedule on stamped paper being annexed to any process issued by a court as required by section 16 of "The Fiscals' Ordinance, 1867," adhesive stamps of the proper amount of fees and charges established under section 14 of that Ordinance shall be affixed to each process, and such stamps shall be cancelled and pricked or punctured by the proper officer of court in the manner prescribed by this Ordinance.

Proviso.

Provided that such fees and charges in respect of processes issued by district courts shall in no case exceed the rates specified in part IV. of schedule B hereto.

Proviso.

Provided also that no such fees and charges shall be levied in respect of any process issued by courts of requests.

Fees and charges due on processes issued unstamped in the first instance how recovered.

(2) It shall be lawful for the Governor, with the advice of the Executive Council, to prescribe the manner in which the amount of the fees and charges which may be due for and on account of processes issued by district courts in the first instance unstamped shall be recovered and brought to account as revenue.

SCHEDULE A.

No. and Year.	Title.	Extent of Repeal.
12 of 1848	An Ordinance for making provision in certain respects touching the Admission of Advocates and Proctors; and for the annual registration of Practising Proctors	Tables A and B of the schedule
7 of 1853	An Ordinance for regulating the due Collection, Administration, and Distribution of Insolvent Estates	Schedule P
2 of 1861	An Ordinance to repeal the Ordinance No. 23 of 1844, and to enable Bankers to compound for the Stamp Duties payable on Notes and Bills issued by them	The whole Ordinance
9 of 1867	An Ordinance to amend "The Joint Stock Companies' Ordinance, 1861"	Section 3
23 of 1871	An Ordinance to consolidate and amend the Law relating to Stamp Duties	The whole Ordinance
8 of 1880	An Ordinance to amend "The Stamp Ordinance, 1871"	The whole Ordinance
11 of 1882	An Ordinance to facilitate the recovery of possession of Tenements after due determination of the Tenancy	Section 7
31 of 1884	An Ordinance to amend Ordinance No. 10 of 1861, entitled "An Ordinance to consolidate and amend the Laws relating to Public Thoroughfares in this Colony"	The words "receipts and" in the 11th line of section 28
43 of 1884	An Ordinance to consolidate the Stamp Duties leviable in this Colony	The whole Ordinance

SCHEDULE B.

PART I.—Containing the Duties on Instruments of Conveyance, Contract, Obligation, and Security for Money; on Deeds in general; and on other Instruments, matters, and things not falling under any of the following heads.

PART II.—Containing the Duties on Law Proceedings, and in the Supreme Court, District Courts, Courts of Requests, and Police Courts, respectively.

PART III.—Containing the Duties in Testamentary Proceedings, on Probates of Wills, and Letters of Administration.

PART IV.—Containing the Duties in respect of Service of Processes in District Courts.

PART V.—Miscellaneous.

PART I.

Containing the Duties on Instruments of Conveyance, Contract, Obligation, and Security for Money; on Deeds in general; and on other Instruments, matters, and things.

	Duty. Rs.	c.
ACKNOWLEDGMENT of a debt exceeding Rs. 20 in amount or value, written or signed by or on behalf of a debtor, in order to supply evidence of such debt in any book (other than a banker's pass book), or on a separate piece of paper when such book or paper is left in the creditor's possession	0	5
AFFIDAVIT, affirmation, or declaration made for the purpose of being filed, read, or used in any court of justice in this island, not otherwise provided for in Part II. ...	1	0
AFFIDAVIT, affirmation, or declaration not made for the immediate purpose of being filed, read, or used in any court of justice in this island	1	0

Exemptions from the preceding and all other Stamp Duties.

Affidavits, affirmations, or declarations required or authorized by law to be made in criminal matters; affidavits, affirmations, or declarations on the assumption of any office under Government, or for the verification of any public accounts, or to be made pursuant to this Ordinance in regard to exchange of spoiled stamps, or for the sole purpose of enabling any person to receive any pension or charitable allowance; affidavit, affirmation, or declaration required to be made under the provisions of "The Widows' and Orphans' Pension Fund Ordinance, 1885."

AGREEMENT or contract, or any minute or memorandum of any agreement in this island (and not otherwise charged nor expressly exempted from all stamp duty), whether the same shall be only evidence of a contract, or obligatory upon the parties, from its being a written instrument; where the matter thereof shall be of value—

Over		Not over				
Rs. 0	and	Rs. 100	...	...	0	25
Rs. 100	...	Rs. 200	...	...	0	50
Rs. 200	...	Rs. 300	...	...	0	75
Rs. 300	...	Rs. 400	...	...	1	0
Rs. 400	...	Rs. 500	...	...	1	25
Rs. 500	...	Rs. 1,000	...	...	2	50
Every further Rs. 500 or part thereof				...	1	25

Stamp Duties.

	Duty. Rs. c.
Where the value of the agreement or of such minute or memorandum does not appear on the face thereof, such instrument shall bear a stamp of	2 50
Provided always that where divers letters shall be offered in evidence to prove any agreement between the parties who shall have written such letters, it shall be sufficient if any one of such letters shall be duly stamped with a duty of	2 50

Exemptions from the preceding and all other Stamp Duties.

Agreement or covenant secured by a mortgage contained in the same instrument therewith, such instrument being duly stamped as a mortgage.

Memorandum or agreement for the hire of any labourer, artificer, manufacturer, or menial servant.

Memorandum, letter, or agreement for or relating to the sale of any goods, wares, or merchandise.

Letters containing any agreement (not before exempted) in respect of any merchandise, or evidence of such an agreement which shall pass by the post between merchants or other persons carrying on trade or commerce in this island, and residing and actually being at the time of sending such letters at the distance of 20 miles from each other.

Memorandum or agreement made between the master and mariners of any vessel or boat for wages.

Agreement made in compliance with or under the provisions of the Mercantile Shipping Acts.

Agreement to marry, not containing any settlement or transfer of property.

Memorandum or agreement made by or with Her Majesty or any Government officer in the execution of his office.

APPOINTMENT in execution of a power, whether of trustees or of any property, or of any use or interest therein, when made by writing, not a will	15 0

APPRAISEMENT or valuation of any estate or effects, movable or immovable ; or of any interest therein, or of the annual value thereof ; or of any dilapidations ; or of any repairs wanted ; or of the materials and labour used or to be used in any buildings ; or of any artificer's work whatsoever. Where the amount of such appraisement or valuation shall be—

Over		Not over		
Rs. 0	and	Rs. 100	... ...	0 25
Rs. 100	...	Rs. 200	... ...	0 50
Rs. 200	...	Rs. 300	... ...	0 75
Rs. 300	...	Rs. 400	... ...	1 0
Rs. 400	...	Rs. 500	... ...	1 25
Rs. 500	...	Rs. 1,000	... ...	2 50
Every further Rs. 500 or part thereof			...	1 25

Provided that the duty on any one appraisement shall not exceed Rs. 10.

Exemption.

Appraisements or valuations of any property belonging to, or to be acquired by Government, or made by or at the instance of any Government officer in the execution of his office.

Stamp Duties.

	Duty. Rs.	c.
ARTICLES OF APPRENTICESHIP or contract whereby any person shall first become bound in order to qualify himself to become a notary or apothecary	100	0
ARTICLES OF APPRENTICESHIP or contract whereby any person shall become bound as aforesaid, for the residue of the term for which he was originally bound, in consequence of the death of his former master. or of the contract between them being vacated by consent, or by rule of court, or in any other event	10	0
ASSIGNMENT.—*See* Transfer or Assignment.		
AWARD.—Other than that made in any cause ...	10	0
BILL OF EXCHANGE, promissory note, draft, cheque, or order, viz. :		
Inland bill, draft, cheque, promissory note, or order for the payment on demand of any sum of money to the party named therein, or to the bearer, or to order ...	0	5
Inland bill of exchange, promissory note, draft, or order for the payment at any time otherwise than on demand to the party named therein, or the bearer, or to order, of any sum of money—		
Over Rs. 0 and Not over Rs. 50	0	5
Rs. 50 ... Rs. 100	0	10
Rs. 100 ... Rs. 250	0	15
Rs. 250 ... Rs. 500	0	25
Rs. 500 ... Rs. 1,000	0	50
Every further Rs. 1,000 or part thereof ...	0	50
Inland bill, draft, or order for the payment of any sum of money, though not made payable to the bearer or to order, if the same shall be delivered to the payee or some person on his behalf — *The same duty as on a bill of exchange for the like sum payable to bearer or order.*		
Inland bill, draft, or order for the payment of any sum of money, weekly, monthly, or at any other stated periods, if made payable to the bearer or to order, or if delivered to the payee or some person on his behalf, where the total amount thereby made payable shall be specified therein or can be ascertained therefrom — *The same duty as on a bill payable to bearer or order otherwise than on demand, for a sum equal to such total amount.*		
And where the total amount of the money thereby made payable shall be indefinite — *The same duty as on a bill otherwise than on demand for the sum therein expressed only.*		

And the following instruments shall be deemed and taken to be inland bills, drafts, or orders for the payment of money, within the intent and meaning of this schedule, viz. :

All drafts or orders for the payment of any sum of money by a bill or promissory note, or for the delivery of any such bill or note in payment or satisfaction of any sum of money, where such drafts or orders shall require the payment or delivery to be made to the bearer or to order, or shall be delivered to the payee or some person on his behalf.

All receipts given for money received, which shall entitle, or be intended to entitle, the person or persons paying the money, or the bearer of such receipts, to receive the like sum from any third person or persons.

And all bills, drafts, or orders for the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen, if the same shall be made payable to the bearer or to order, or if the same shall be delivered to the payee or some person on his behalf

And all instruments usually termed letters of credit, made and to be used in Ceylon, or whereby any person to whom any such document or writing is or is intended to be delivered or sent, shall be entitled or be intended to be entitled to have credit with, or in account with, or to draw upon any other person for, or to receive from such other person, any sum of money therein mentioned.

Exemptions from the Duties on Drafts or Orders.

All drafts, receipts, cheques, orders, bills of exchange, and promissory notes drawn by any Government officer in the execution of his office.

All cheques drawn by army accountants on imperial services.

All letters of credit, whether in sets or not, sent by persons in this colony to persons out of the same authorizing drafts on the British territories in India or in Ceylon, or any other of Her Majesty's colonies or foreign possessions.

And the following instruments are to be deemed and taken to be promissory notes within the intent and meaning of this schedule :

All notes promising the payment of any sum or sums of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen, if the same shall be made payable to the bearer or to order, and if the same shall be definite and certain, and not amount in the whole to Rs. 200.

Exemptions from the Duties on Promissory Notes.

All notes promising the payment of any sum or sums of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen, where the same shall not be made payable to the bearer or to order, and also where the same shall be made payable to the bearer or to order, if the same shall amount to Rs. 200 or be indefinite.

And all other instruments bearing in any degree the form or style of promissory notes, but which in law shall be deemed special agreements, except those hereby expressly directed to be deemed promissory notes.

But such of the notes and instruments here exempted from the duty on promissory notes shall nevertheless be liable to the duty which may attach thereto as agreements or otherwise.

Stamp Duties.

	Duty. Rs.	c.
BROKERS' NOTES, each copy...	0	5

FOREIGN BILL OF EXCHANGE drawn in, but payable out of, this colony :

If drawn singly, or otherwise than in a set of three or more, the same duty as on an inland bill of the same amount and tenor.

If drawn in sets of three or more, for every bill of each set, where the sum payable thereby shall be—

Over		Not over				
Rs. 0	and	Rs. 250	...	...	0	5
Rs. 250	...	Rs. 500	...	...	0	10
Rs. 500	...	Rs. 1,000	...	...	0	20
Every further Rs. 1,000 or part thereof				...	0	20

FOREIGN BILL OF EXCHANGE drawn out of this colony and payable within this colony, the same duty as on an inland bill of the same amount and tenor.

FOREIGN BILL OF EXCHANGE drawn out of this colony and payable out of this colony, but negotiated within this colony, the same duty as on a foreign bill drawn within this colony and payable out of this colony.

Exemptions from the preceding and all other Stamp Duties.

All bills of exchange, drafts, or orders drawn by any Government officer in the execution of his office.

BILL OF LADING of or for any goods, merchandise, or effects exported or carried coastwise, for each part of every set ... 0 25

BOND given as a security for the payment of any definite and certain sum of money ; mortgage for any definite and certain sum of money, and of or affecting any property, where the sum shall be—

Over		Not over				
Rs. 0	and	Rs. 100	...	...	0	25
Rs. 100	...	Rs. 200	...	...	0	50
Rs. 200	...	Rs. 300	...	...	0	75
Rs. 300	...	Rs. 400	...	...	1	0
Rs. 400	...	Rs. 500	...	...	1	25
Rs. 500	...	Rs. 1,000	...	...	2	50
Every further Rs. 500 or part thereof				...	1	25

BOND given in acknowledgment of advances made or to be made on a forthcoming crop, such advances being secured by hypothecation of the crop with or without personal security, and made payable on the realization of such crop, but within a year from the date of such bond. Where the sum to be lent shall be—

Over		Not over				
Rs. 0	and	Rs. 1,000	...	...	1	0
Rs. 1,000	...	Rs. 2,500	...	...	2	50
Rs. 2,500	...	Rs. 5,000	...	...	5	0
Rs. 5,000	...	Rs. 7,500	...	...	7	50
Rs. 7,500	...	Rs. 10,000	...	..	10	0
Every further Rs. 1,000 or part thereof				...	1	0

Stamp Duties.

	Duty. Rs.	c.
BOND OR MORTGAGE to secure the repayment of money to be thereafter lent, advanced, or paid, or which may become due upon an account current, together with any definite and certain sum already lent, advanced, or due. The same duty and conditions as to calculation of duty on the amount already lent, advanced, or due, as on a bond or a mortgage of property for any definite and certain sum of money, together with an additional duty of	50	0
BOND OR MORTGAGE to secure the repayment of money to be thereafter lent, advanced, or paid, or which may become due upon an account current, together with any sum already lent, advanced, or due, where such sum is not ascertained	100	0
BOND OR MORTGAGE to secure the repayment of money to be thereafter lent, advanced, or paid, or which may become due upon an account current :		
If the total amount of the money secured or to be ultimately recoverable thereupon shall be uncertain, and without any limit	50	0
But if the total amount of the money secured or to be ultimately recoverable thereupon shall be limited not to exceed a given sum, the same duty as on a bond or mortgage for such limited sum.		
When a bond and mortgage shall be contained in the same instrument, and be given to secure the same moneys, the bond only shall be chargeable with stamp duty.		
Bond for indemnifying any person who shall have become bound as surety for the payment of any sum of money or the performance of any act	10	0
Bond for further securing the repayment of any sum already secured by a bond or mortgage for which an *ad valorem* duty had been previously paid	10	0
Bond of any kind whatever not otherwise charged in this schedule nor expressly exempted from all stamp duty ...	10	0

Exemptions from the preceding and all other Stamp Duties.

Bond or mortgage made in pursuance of covenants, or other agreements on that behalf, contained in some other instrument, and without additional money consideration, if such other instrument has been stamped with an *ad valorem* stamp duty on the amount of the consideration for such bond or mortgage.

Bonds or mortgages given by any Government officer, or his sureties, for the due execution of his office.

Bonds, leases, or mortgages given by any person to Her Majesty, or to any public officer, for the use of Her Majesty, for any debt or sum of any money due, or to become due to the Crown, or to the Government of this island.

Bonds, or mortgages of indemnity given to fiscals or their deputies, or officers in the execution of their duty.

Bonds or mortgages given to any officer of customs in his official capacity.

Stamp Duties.

	Duty. Rs.	c.
CART OR BOAT NOTE for the conveyance of goods for hire by cart or boat along any road, river, or canal, when the distance to be traversed by such cart or boat shall exceed one mile outside the limits of any municipality or local board, on the original and each copy thereof	0	5

Exemption from the preceding Stamp Duty.

Memorandum, letters, or agreements made with any common carrier or other person for the carriage of goods, wares, or merchandise in this island if stamped as an agreement or contract or any minute or memorandum of an agreement.

CHARTER-PARTY or any agreement or contract for the charter of any vessel	10	0

Exemption.

Charter-party made by or with any Government officer in the execution of his office.

CLAIM to property seized or objection made under the Civil Procedure Code, chapter XXII., section 241 ...	1	0
COMPOSITION DEED or other instrument of composition between a debtor or debtors, and his or their creditors ...	10	
CONDITIONS OF SALE of immovable property of the value of one hundred rupees and upwards	5	0

Exemption.

All sales by public officers, including fiscals or their deputies.

CONVEYANCE or transfer of any property for any consideration—

Where the purchase or consideration money therein or thereupon expressed, or if the consideration be other than a pecuniary one, or partly pecuniary and partly other than pecuniary, the value of the property shall be—

Over		Not over			
Rs. 0	and	Rs. 50	...	...	0 25
Rs. 50	...	Rs. 100	...	...	0 50
Rs. 100	...	Rs. 200	...	...	1 0
Rs. 200	...	Rs. 300	...	...	1 50
Rs. 300	...	Rs. 400	...	...	2 0
Rs. 400	...	Rs. 500	...	...	2 50
Rs. 500	...	Rs. 1,000	...	...	5 0
Every further Rs. 500 or part thereof				...	2 50

Provided that in a conveyance or transfer of property subject to mortgage the duty shall be calculated on the actual value of the property conveyed free of mortgage or on the aggregate amount due on the mortgage and the consideration expressed for the transfer, save in the case of fiscal's sale, when the duty shall be calculated on the consideration expressed for the transfer.

Stamp Duties.

	Duty. Rs.	c.
CONVEYANCE or transfer of property by an executor, administrator, or trustee, without consideration to the person beneficially entitled to such property, or when made by order of court in cases of divorce *a vinculo matrimonii* ...	10	0
CONVEYANCE or transfer of property without consideration by a trustee or trustees, or the executors or administrators of a deceased trustee or trustees to a surviving trustee or trustees, or to a new trustee or trustees, or to a surviving trustee or trustees and a new trustee or trustees ...	10	0
CONVEYANCE or transfer of property of any kind whatsoever, not charged in this schedule nor expressly exempted from stamp duty	10	0
Exemptions from the preceding Stamp Duties.		
All conveyances and transfers to Her Majesty, or to any person for or on behalf of Her Majesty.		
Transfers of bills of exchange and promissory notes by indorsement.		
DECLARATION.—*See* Affidavit.		
DECLARATION of any use or trust of or concerning any property when made by any writing not being a will or an instrument chargeable with *ad valorem* duty as a settlement	15	0
DEED or instrument of conformation, release, revocation, substitution, surrogation, disclaimer, and renunciation ...	10	0
DEED for the exchange of land without other consideration between co-heirs or part owners	10	0
DEED or instrument not otherwise charged in this schedule, nor expressly exempted from stamp duty	10	0
DELIVERY order in respect of goods: that is to say, any instrument entitling any person therein named to the delivery of any goods lying in any dock or port, or in any warehouse in which goods are stored or deposited on rent or hire, or upon any wharf, such instrument being signed by or on behalf of the owner of such goods, upon the sale or transfer of the property therein, when such goods exceed in value twenty rupees	0	5
GIFT or deed of gift of any property.—The same duty and conditions as to calculation of duty as on a conveyance of property of the same value.		
GIFT or deed of gift of any property reserving to the grantor any life interest or estate in the property.—The same duty and conditions as to calculation of duty as on a conveyance of property of the same value.		
LEASE of any property.—The same duty and conditions as to calculation of duty as on a bond, or mortgage of property, for the same amount as the aggregate rent payable for the whole term comprised in the lease; provided that the duty shall not exceed that on a lease for seven years, and provided that the lease does not contain a mortgage of property, in which case the mortgage shall be chargeable as a separate instrument.		
LETTER or power of attorney for the purpose of appointing a proxy to vote at a meeting	0	5
LETTER or power of attorney, whether executed in Ceylon or elsewhere, for any other purpose whatever ...	5	0
Substitution or surrogation under any letter of attorney	2	50

Stamp Duties.

	Duty. Rs.	c.
Exemption from the preceding Stamp Duties.		
Power of attorney made by any petty officer, seaman, or soldier, or by the executors or administrators of any such person, for pay or prize money, or by any Government officer in the execution of his duty.		
LETTERS of *venia Ætatis*	100	
LETTER of license from creditor to debtor	10	
MORTGAGE.—*See* Bond.		
NOTARIAL copy of, or extract from, any instrument ...	1	0
PARTITION—any deed of, when the value of the land partitioned is below Rs. 1,000	2	50
When the value of the land partitioned is Rs. 1,000 and upwards, or where no value is given	10	0
POLICY of insurance :		
In the case of sea insurance	0	25
In the case of insurance against risks by fire ...	0	25
In the case of any other insurance, when the amount insured does not exceed Rs. 1,000	0	50
For every further Rs. 1,000 or part thereof ...	0	50
PROMISSORY NOTE.—*See* Bill of Exchange, Inland.		
PROTEST of any bill of exchange or promissory note for any sum of money not exceeding Rs. 200	1	0
Exceeding Rs. 200 and not exceeding Rs. 1,000 ...	1	50
Exceeding Rs. 1,000 and not exceeding Rs. 5,000 ...	2	50
Exceeding Rs. 5,000	5	0
PROTEST.—Ship protest in consequence of loss or damage by storms and tempestuous weather, by jettison, or by collision	20	0
PROTEST of any other kind	2	50
PROXY to vote at any meeting.—*See* Letter or Power of Attorney.		
RECEIPT or discharge given for or upon the payment of money amounting to Rs. 20 or upwards	0	5

Exemptions.

Receipts given for money deposited in any bank or in the hands of any banker, to be accounted for, whether with interest or not.

Receipts or discharges written upon promissory notes, bills of exchange, drafts, cheques, or orders for the payment of money duly stamped according to the laws in force at the date thereof ; or upon bills of exchange drawn out of, but payable in, this island.

Releases or discharges for money by deed duly stamped according to the laws in force at the date thereof.

Receipts given for the return of any duties of customs.

Receipts given for value of goods taken by the Crown for under-valuation.

Receipts or discharges given by any public officer in the execution of his office. Provided that this exemption shall not include a receipt given by any public officer to the Treasurer for the payment of the salary or travelling allowance of such public officer.

Receipts or discharges for pay or allowances given by officers and soldiers of Her Majesty's forces for the time being stationed in this colony

Stamp Duties.

		Duty. Rs.	c.
SETTLEMENT.—Any deed or instrument, whether voluntary or gratuitous, or upon good or valuable consideration other than *bonâ fide* pecuniary consideration, whereby any definite and certain principal sum or sums of money, or any other property, movable or immovable, shall be settled or agreed to be settled upon or for the benefit of any person or persons, either in possession or reversion, either absolutely or conditionally, or contingently, or for life or other partial interest, or in any other manner whatsoever	*The same duty as on a conveyance of property of the like value or for the like consideration.*		
SHARE CERTIFICATE or other document evidencing the right or title of the holder thereof, or any other person, to any share in or of any company or association : for every such share		0	5
SHIPPING ORDER for the conveyance of goods on board of any vessel		0	5
STAMP VENDORS.—Annual license to sell stamps ...		10	0
TRANSFER or assignment of bond, mortgage, or lease.—The same duty as on a bond for the same amount as that of the money secured, consideration paid, or security assigned.			
WARRANT to act as notary public		50	0

Proviso.

Where any person duly admitted a notary in any district of this island shall be afterwards admitted a notary in any other district, the subsequent warrant shall be subject to Rs. 25.

Exemptions from the preceding and all other Stamp Duties.	Duty. Rs.	c.
All instruments to or on behalf of Her Majesty, or any Government officer, in his official capacity.		
All wills, testaments, and codicils, whether notarial or otherwise.		
All instruments for the sale, transfer, or other disposition, either absolutely or by way of mortgage or otherwise, of any ship or vessel, or any part, share, or property of or in any ship or vessel.		
Provided that where any grant of land shall be made by Her Majesty or her successors, and where any instrument hereinbefore specified (not being a draft, order, or promissory note for the payment of money, or a receipt or discharge for or upon the payment of money) shall be executed or acknowledged before a notary public, or shall be executed before some public officer, under the authority of the Ordinance 17 of 1852, entitled "An Ordinance to make further provision touching the execution of certain Deeds and Instruments," or by any fiscal or deputy fiscal in the execution of his office, the stamp duty hereby chargeable on such instrument shall be chargeable on the duplicate or counterpart thereof, instead of on the original instrument, and in such case, if the duty exceed the sum of Rs. 2·50, the original instrument shall bear a stamp of	1	0

PART II.

Containing the Duties on Law Proceedings.

	Class 1.	Class 2.	Class 3.	Class 4.	Class 5.	Class 6.	Class 7.	Class 8.	Class 9.
	Rs. 500 and under.	Rs. 1,000 and under.	Rs. 1,500 and under.	Rs. 2,000 and under.	Rs. 2,500 and under.	Rs. 5,000 and under.	Rs. 7,500 and under.	Rs. 10,000 and under.	Above Rs. 10,000.
	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	
IN THE SUPREME COURT. *In Civil Proceedings.* Every appointment of proctor.—Affidavit.—Petition of review preparatory to appeal to the Queen in Council.—Bond of security in appeal to the Queen in Council or other bond or recognizance.—Certificate in appeal to the Queen in Council.—Petition to the Queen in Council.—Copy (office copy) of any deposition, document, or other matter of record.—Judgment, decree, or order.—Exemplification under the seal of court of any record or other proceedings therein.—Exhibit of every document on which no stamp is affixed or impressed, unless the duplicate bears a stamp.—Translation of any exhibit.—Summons.—Rule *nisi* or absolute.—Order of transference.—Injunction.—Mandate or writ of *mandamus procedendo* and prohibition.—Bill of costs.	2 50	5 0	7 50	10 0	12 50	15 0	17 50	20 0	For every additional Rs. 5,000 or fraction thereof, up to Rs. 500,000, in addition to the duties in Class 8, a further Rs. 2·50, after which no additional duty shall be leviable.

Stamp Duties.

IN THE DISTRICT COURTS. *In Civil Proceedings.*	Class 1.	Class 2.	Class 3.	Class 4.	Class 5.	Class 6.	Class 7.
	Rs. 200 and under.	Rs. 300 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Rs. 5,000 and under.	Rs. 10,000 and under.	Above Rs. 10,000.
	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	For every additional Rs. 5,000 or fraction thereof, up to Rs. 500,000, after which no additional duty shall be leviable, in addition to the duties in Class 6.
Every appointment of proctor.—Plaint.—Answer.—Replication, petition, or any other pleading.—Summons to defendant or defendants without reference to number.—Citation or supplemental citation.—Appointment of guardian or next friend.—Copy of decree *nisi*, absolute, or any other decree.—Notice of trial.—Writ of execution against property.—Warrant against person.—Commitment.—Writ of delivery of specific movables.—Writ of possession of immovables.—Warrant to seize property.—Certificate to judgment-debtor authorizing mortgage, &c.—Set of interrogatories.—Answer to interrogatories.—Petition of appeal.—Certificate in appeal.—Bill of costs.—Every affidavit or affirmation.—Commission to examine and all other commissions.—Every order of reference to arbitration.—Inventory.—Account, other than an account appended to and forming part of a plaint, answer, or other pleading.	1 0	1 50	3 0	5 0	7 50	10 0	1 25
Every award.—Bail bond or other bond or recognizance.—Mandate of sequestration.—Warrant of arrest in mesne process.—Injunction.—Appointment of receiver.	2 50	4 0	8 0	15 0	20 0	25 0	2 50
Every exhibit of any document on which no stamp is affixed or impressed, unless the duplicate bears a stamp.—Office copy, duly certified, of all matters of record, per 200 words.—Notice to admit genuineness of documents or to produce documents, or any other notice applied for at the instance of a party to an action.—Notice to the court requesting stay of execution.—Notice to decree-holder.—Order confirming sale.—Order for delivery of possession to purchaser.—Summons to each witness.—Translation of each document.	0 50	0 75	1 50	2 50	3 0	4 0	0 25

IN THE COURTS OF REQUESTS.

Every appointment of proctor or of guardian or next friend.—Plaint.—Petition.—Answer or any other pleading—Summons to defendants without number.—Copy of decree.—Writ of execution against property.—Writ of delivery of specific movables.—Writ of possession of immovables.—Certificate to judgment-debtor authorizing mortgage, &c.—Commission to survey and for any other purposes.—Affidavit.—Bail bond or any other bond or recognizance.—Petition of appeal.—Warrant of attachment—Every exhibit of any document on which no stamp is affixed or impressed, unless the duplicate bears a stamp.—Office copy duly certified of all matters of record, per 250 words.—Notice to admit genuineness of document or to produce document or any other notice applied for at the instance of a party in an action.—Notice to court requesting stay of execution.—Notice to decree-holder.—Order confirming sale.—Order of delivery of possession to purchaser.—Summons to witness.—Translation of each document.	In cases under Rs. 50, 50c. ; in cases of Rs. 50 and upwards, Re. 1.

Provided that every exhibit in excess of ten in number shall be liable only to a duty of ten cents.

No oral pleading shall be received, except the party wishing to plead orally shall furnish a blank sheet of paper on which to write the pleading ; and which paper shall bear a stamp of the same value as if it were a written pleading in a case of the like class. And any party failing to furnish such paper shall be taken to be in default.

Poundage shall be recovered at the rate of one per centum on all moneys levied in execution either by sale or by payment by the debtor to the fiscal or his deputy, although the creditor becomes purchaser of the property sold in execution, and obtains credit for the purchase money in reduction of the writ. The order for credit or for payment should be written on a stamp or stamps answering in value to such one per centum. Provided that five cents shall be payable for any fractional part of one per centum less than five cents.

No party shall be allowed to take any proceedings on or by virtue of any decree or judgment without first taking a copy thereof.

Provided also that no attorney-general, solicitor-general, crown counsel, or other Government officer suing, or being sued, or intervening in any suit *virtute officii*, and no person duly admitted to sue, defend, or intervene as a pauper, shall be required to use any stamps in civil proceedings. But if judgment for costs shall be given in favour of such attorney-general, solicitor-general, crown counsel, or other Government officer, or such pauper, the value of such stamps as would have been used by him if he had not been allowed to proceed without using stamps, or value of such part thereof as shall be decreed by the said judgment, shall be paid by the party against whom such judgment

shall have been given, to the Commissioner of Stamps, or to the secretary of the district court or clerk of the court of requests in which such suit shall have been decided for and on behalf of such Commissioner ; and in failure of payment the said court shall proceed to recover the same in the manner directed in section 55 of this Ordinance in regard to pauper suits.

And no summons, warrant of arrest, or in execution, nor any other citation or writ whatsoever, which has once been issued out of the court and returned by the officer to whom it was directed, shall, on any pretext whatever, be re-issued, unless any such process has been returned not served or executed, by reason that the party could not be found, or had left the jurisdiction of the court, or by reason that no property of the debtor or none sufficient to satisfy the exigency of any writ of execution could be found. Provided further that in respect of any summons to a witness, the same may be re-issued at the discretion of the court.

Provided also, that in appeals to the Supreme Court the appellant shall deliver to the secretary of the district court or clerk of the court of requests, together with his petition of appeal, the proper stamp for the decree or order of the Supreme Court and certificate in appeal which may be required for such appeal.

Every certificate of curatorship under chapter XL. of the Civil Procedure Code, section 582, shall bear a stamp of Rs. 5, and every account filed thereunder shall bear a stamp of Rs. 2·50, unless the court shall order the proceedings to be on blank.

	Duty. Rs.	c.
Every application under chapter XLI. of the Civil Procedure Code, section 595, for appointment or removal of trustees, shall bear a stamp of	10	0
Actions relating to public charities under chapter XLV. of the Civil Procedure Code shall be charged as of the value of Rs. 1,000.		
Appointment of agent to accept process, warrant, or power of attorney to confess judgment shall bear a stamp of	5	0

All applications made, proceedings taken, and suits instituted under "The Inventions Ordinance, 1859," shall be charged as of the value of Rs. 5,000.

All documents and process or other proceedings liable to stamp duty which shall or may be rendered necessary by the Ordinance 11 of 1882 shall be charged as of the value of Rs. 50, and all costs and fees chargeable in respect of such proceedings shall be taxed as of suits of that value.

Matrimonial suits shall be charged as of the value of Rs. 5,000.

Exemptions.

All affidavits or affirmations for verifying service of process ; all orders for the release of discharge of civil prisoners ; all warrants of attachment for non-attendance or contempt issued by the court at its own instance, mandates in the nature of writs of *habeas corpus*, and all rules relating thereto.

Stamp Duties.

	Duty. Rs. c.
IN THE POLICE COURTS.	
Complaint or charge of any offence punishable under section 314, or of any other offence other than an offence for which police officers may, under the Criminal Procedure Code, arrest without warrant ...	0 25
For every summons to a defendant or witness on such complaint or charge	0 15

Provided that when a complaint is made orally the stamp shall be supplied for the purpose of being affixed to the written plaint or record of the complaint.

Provided that when the complaint or charge is made by an officer of Government or by a police or municipal officer in the execution of his duty, or by a Government renter in matters relating to his rent, no stamp duty shall be payable: and provided that it shall be lawful for the magistrate, on being satisfied that complainant has a fair ground of complaint, but is unable to supply stamps for the plaint and summons or subpœnas, or that the defendant is unable to supply stamps for subpœnas, to allow such plaint to be filed, and such summons and subpœnas to be issued without stamps.

PART III.

Containing the Duties in Testamentary Proceedings; on Probates of Wills and Letters of Administration.

	Class 1. Rs. 2,500 and under.	Class 2. Rs. 5,000 and under	Class 3. Rs. 10,000 and under.	Class 4 Above Rs. 10,000.
	Rs. c.	Rs. c.	Rs. c.	
Every appointment of proctor.—Every pleading other than a petition or application.—Every citation or supplemental citation.—Copy of decree *nisi*, absolute, or any other decree.—Bill of costs.—Every affidavit or affirmation.—Caveat.—Oath of office of executor or administrator.—Letters *ad colligenda*.—Inventory.—Final account.—Bond.—Petition of appeal.—Certificate in appeal.	2 0	5 0	10 0	For every additional Rs. 5,000 or fraction thereof, in addition to the duties in class 3, Re. 1.
Summons to each witness.—Translation of each document.	0 50	2 0	4 0	25 cents

	Duty. Rs. c.
Every copy (office copy) of any will or codicil or extract therefrom, or of any document mentioned in this part of the schedule	2 50

The duty on probate of a will or letters of administration, where the property and estate for or in respect of which such probate or letters of administration shall be granted, exclusive of what the deceased shall have been possessed of or entitled to as trustee for any other person or persons, and not beneficially, and exclusive also of the debts due by the deceased on mortgage or other notarial bonds, shall be	Under Rs. 1,000, none ; Rs. 1,000 and upwards, one and a half per centum on every Rs. 100 or fraction thereof.

Provided that where the common estate of a husband and wife shall be administered to after the death of one of them, duty shall be paid as for the half estate.

PART IV.

Duties in respect of Service of Process in District Courts.

	Duty. Rs. c.
In cases of Rs. 200 and under	0 25
In cases of Rs. 300 and under	0 35
In cases of Rs. 500 and under	0 50
In cases of Rs. 1,000 and under	0 75
In cases of Rs. 5,000 and under	1 0
In cases of Rs. 10,000 and under	1 50
In cases over Rs. 10,000	2 0

PART V.

Miscellaneous.

	Duty. Rs. c.
Advocates and Proctors.—Ordinance No. 12 of 1848 :	
Certificate of admission of any person to act as an advocate in the island	250 0
Certificate of admission of any person to act as a proctor in any court of this island	50 0
Certificate to be taken out yearly by every person practising as a proctor in any court of this island :	
If he shall have been admitted for the space of three years or upwards...	30 0
Or if he shall not have been admitted so long ...	15 0
Births and Deaths.—Ordinance No. 18 of 1867 :	
Certificate of declaration of birth made under section 13	1 0
Application to search district registrar's register, section 25	0 25
Application for a general search of the Registrar-General's registers, section 26	2 50
Application to search the Registrar-General's registers of a particular year, section 26	0 50
Certified copy of an entry in the Registrar-General's register, section 26	0 50

Stamp Duties.

	Duty. Rs.	c.
Boats.—Ordinance No. 14 of 1865, section 7 :		
License for the conveyance of goods for hire on any river, lake, or canal	3	0
—— Ordinance No. 6 of 1865, section 23 :		
License for the conveyance of passengers or goods for hire within any port	3	0
License to act as tindal of such boat	3	0
Carriages.—Ordinance No. 17 of 1873, section 6 :		
License for each carriage let for hire other than a hackery	10	0
License for each hackery let for hire	5	0
Carts and Coaches.—Ordinance No. 14 of 1865, section 7 :		
License for the conveyance of goods for hire ...	3	0
Coaches.—*See* Carts.		
Companies.—Ordinance No. 4 of 1861, section 13 :		
Memorandum of association	50	0
Articles of association	10	0
Deaths.—*See* Births.		
Dock Warrants.—Ordinance No. 10 of 1876, section 23 :		
Each warrant issued by the Wharf and Warehouse Company	0	5
Domestic Servants.—Ordinance No. 28 of 1871, section 21 :		
Stamp fees payable by masters and servants :		
By master on causing existing servant to be registered	0	25
By master on engaging a new servant	0	25
By intending servant on provisional registration ...	0	25
By intending servant on registration being confirmed...	0	25
By servant for the registration of previous service ...	0	25
By servant for a duplicate pocket register ...	1	0
Entailed Property.—Ordinance No. 11 of 1876, sections 5 and 11 :		
Petition to court for permission to lease or sell ...	10	0
Firearms.—Ordinance No. 19 of 1869 :		
License to manufacture or sell firearms, section 10 ...	10	0
Original license for each gun, pistol, or other description of firearms, section 5	1	25
Transfer license for each previously licensed gun, pistol, or other description of firearms, section 5 ...	0	50
Hackery.—*See* Carriages.		
Insolvent Estates.—Ordinance No. 7 of 1853 :		
Every petition by a creditor for sequestration of an insolvent estate	30	0
Every declaration of insolvency	1	0
Every summons to debtor	1	0
Every bond with sureties	2	0
Every appointment of a proctor	1	0
Every proof of claim	1	0
Every account or report by assignee	2	50
Every petition of appeal	2	50

Stamp Duties.

	Duty. Rs.	c.
Marriages.—Ordinance No. 6 of 1847, section 11 :		
Each extract from a register	0	75
—— Ordinance No. 13 of 1863 :		
Certificate of registry of building for solemnization of marriages, section 5	30	0
Certificate of registry of building substituted for disused building, section 6	20	0
Governor's license to issue certificate, section 10 ...	30	0
Matrimonial Rights.—Ordinance No. 15 of 1876 :		
Application by wife to deal with property, section 12 ...	10	0
Motion of spouse for adjudication of separate property, section 16	10	0
Notary.—Ordinance No. 2 of 1877, section 22 :		
Annual certificate	10	0
See also Part I., Warrant, and Articles of Clerkship.		
Poisons.—Ordinance No. 6 of 1876, section 4 :		
License to sell poisons	10	0
Proctors.—*See* Advocates.		
Surveyors.—Ordinance No. 15 of 1889 :		
License to practise	2	50
Tindals.—*See* Boats.		
Warehouse Warrant.—Ordinance No. 1 of 1871 :		
Every warehouse warrant or duplicate thereof issued either by a collector of customs or by the keeper of a bonded warehouse	0	50
See also Dock Warrant.		

SCHEDULE C.

(See Section 5.)

Know all Men by these presents that We, ———, are held and firmly bound unto our Sovereign Lady Queen Victoria, Her Heirs and Successors, in the sum of ——— rupees, for the payment of which we bind ourselves, jointly and severally, our Heirs, Executors, and Administrators, firmly by these presents.

Now the condition of this obligation is such, that if the above-bounden do, and shall from time to time enter or cause to be entered in a book or books to be kept for that purpose, an account of all unstamped cheques issued under the provisions of section 5 of "The Stamp Ordinance. 1890," by the said ———, and of all sums charged and received by the said ——— as stamp dues on such unstamped cheques, and do and shall from time to time, when thereunto required, produce and show such accounts to, and permit them to be examined and inspected by the Commissioner of Stamps, and also do and shall deliver to the Commissioner half-yearly, that is to say, within fourteen days after the first day of January and the first day of July in every year, a true and just account in writing, verified upon the oaths, to the best of the knowledge and belief of the said ——— and of his manager, cashier, and accountant, of the amount of all unstamped cheques issued by the said ——— under the authority of the aforesaid Ordinance, and also do and shall pay or cause to be paid to the said Commissioner of Stamps the stamp duties due on all such unstamped cheques issued during such half-year by the said ———, less rupees five per centum allowed as discount, then this obligation shall be void ; otherwise it shall be and remain in full force and virtue.

26th April, 1890.

No. 4 of 1890.

An Ordinance to amend "The Trade Marks Ordinance, 1888."

(*See No. 14 of 1888.*)

Preamble.

WHEREAS it is expedient to amend "The Trade Marks Ordinance, 1888," hereinafter referred to as "the principal Ordinance": Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Amendments of Ordinance No. 14 of 1888.

1 For the definition of "a trade mark" in section 2 of the principal Ordinance beginning with the words "a trade mark must consist of" and ending with the words "any of them" shall be substituted the following:

Section 2, as to trade mark.

(1) A "trade mark" must consist of or contain at least one of the following essential particulars:

(*a*) A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner; or

(*b*) A written signature or copy of a written signature of the individual or firm applying for registration thereof as a trade mark; or

(*c*) A distinctive device, mark, stamp, brand, heading, label, or ticket; or

(*d*) An invented word or invented words; or

(*e*) A word or words having no reference to the character or quality of the goods, and not being a geographical name.

(2) There may be added to any one or more of the essential particulars mentioned in sub-section 1 any letters, words, or figures, or combination of letters, words, or figures, or any of them, but the applicant for registration of any such additional matter must state in his application the essential particulars of the trade mark, and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered in the register.

(3) Provided as follows:

(*a*) A person need not under sub-section 2 disclaim his own name or the foreign equivalent thereof, or his place of business, but no entry of any such name shall affect the right of any owner of the same name to use that name or the foreign equivalent thereof.

Section 3, as to application for registration

(*b*) Any special and distinctive word or words, letter, figure, or combination of letters and figures used as a trade mark before the coming into operation of this Ordinance may be registered as a trade mark under this Ordinance.

2 To section 3 of the principal Ordinance the following sub-section shall be added :

(6) When an applicant for the registration of a trade mark is out of the island at the time of making the application, he shall give the Colonial Secretary an address for service in the island, and if he fails to do so the application shall not be proceeded with until the address has been given.

Section 5, as to limit of time for proceeding with application.

3 In section 5 of the principal Ordinance, for the words "the application shall be deemed to be abandoned" shall be substituted the words "the Colonial Secretary shall give notice of the non-completion to the applicant or to his agent, and if at the expiration of fourteen days from that notice, or of such further time as the Colonial Secretary may in special cases permit, the registration is not completed, the application shall be deemed to be abandoned."

Section 8, as to colour of trade marks.

4 In section 8 of the principal Ordinance, the words "or colours" shall be added after the word "colour" in each place where that word occurs.

Section 9, as to advertisement of applications.

5 In section 9 of the principal Ordinance, after the words "local newspapers" shall be added the words "unless the Colonial Secretary refuse to entertain the application."

Section 10, as to opposition to registration.

6 (1) (*a*) In sub-section 1 of section 10 of the principal Ordinance, for the words "two months" shall be substituted the words "one month, or such further time not exceeding three months as the Colonial Secretary may allow."

(*b*) In sub-section 2 of the same section, for the words "two months" shall be substituted the words "one month."

(2) To the same section of the principal Ordinance the following sub-sections shall be added :

(5) If the applicant abandons his application after notice of opposition in pursuance of this section, he shall be liable to pay to the opponent such costs in respect of the opposition as the Colonial Secretary may determine to be reasonable.

(6) Where the opponent is out of the island he shall give the Colonial Secretary an address for service in the island.

Section 15, as to restrictions on registration.

7 In sub-section 2 of section 15 of the principal Ordinance the following words shall be added at the beginning of the sub-section, namely, "except as aforesaid," and for the words "so nearly resembling" shall be substituted the words "having such resemblance to."

Section 16, as to restriction on registration.

8 In section 16 of the principal Ordinance the word "exclusive" shall be omitted.

Section 17, as to trade marks.

9 For sub-section 2 of section 17 of the principal Ordinance the following sub-section shall be substituted, namely:

(2) The applicant for registration of any such addition must, however, state in his application the essential particulars of the trade mark, and must disclaim in his application any right to the exclusive use of the added matter, and a copy of the statement and disclaimer shall be entered on the register.

Provided that a person need not under this section disclaim his own name or the foreign equivalent thereof, or his place of business, but no entry of any such name shall affect the right of any owner of the same name to use that name or the foreign equivalent thereof.

Section 18, as to effect of application for registration.

10 For section 18 of the principal Ordinance, the following section shall be substituted, namely:

Application for registration of a trade mark shall be deemed to be equivalent to public use of the trade mark, and the date of the application shall, for the purposes of this Ordinance, be deemed to be, and as from the twenty-second day of December, One thousand Eight hundred and Eighty-Eight, to have been the date of the registration.

Certificate as to exclusive use, and costs thereon.

11 After section 20 of the principal Ordinance the following section shall be added and numbered 20 (*a*), namely:

In an action for infringement of a registered trade mark the court or a judge may certify that the right to the exclusive use of the trade mark came in question, and if the court so certifies, then in any subsequent action for infringement the plaintiff in that action, on obtaining a final order or judgment in his favour, shall have his full costs, charges, and expenses, as between proctor and client, unless the court trying the subsequent action certifies that he ought not to have the same.

Section 22, as to removal of trade mark from the register.

12 (1) In sub-section 5 of section 22 of the principal Ordinance, for the words "the five years" shall be substituted the words "one year."

(2) To the same sub-section the following words shall be added, namely, "unless it is shown to the satisfaction of the Colonial Secretary that the non-payment of the fee arises from the death or bankruptcy of the registered proprietor, or from his having ceased to carry on business, and that no person claiming under that proprietor or under his bankruptcy is using the trade mark."

Section 25, as to entry of assignments, &c.

13 In section 25 of the principal Ordinance, after the words "subject to" shall be added the words "the provisions of this Ordinance and to."

Section 26, as to inspection.

14 In section 26 of the principal Ordinance, after the words "subject to" shall be added the words "the provisions of this Ordinance and to."

15 To section 29 of the principal Ordinance, the following sub-section shall be added, namely : Section 29, as to correction of errors.

(*d*) Permit an applicant for registration of a trade mark to amend his application by omitting any particular goods or classes of goods in connection with which he has desired the trade mark to be registered.

16 After section 39 of the principal Ordinance, the following section shall be added and numbered 39 (*a*), namely : Fees.

There shall be paid, in respect of applications and registration and other matters under this Ordinance, such fees as may from time to time be prescribed by the Governor in Executive Council.

17 The principal Ordinance shall as from the commencement of this Ordinance take effect subject to the additions, omissions, and substitutions required by this Ordinance, but nothing in this Ordinance shall affect the validity of any act done, right acquired, or liability incurred before the commencement of this Ordinance. Construction of principal Ordinance.

18 This Ordinance shall commence and come into operation on the first day of July, One thousand Eight hundred and Ninety. Commencement of Ordinance.

19 This Ordinance may be cited as "The Trade Marks Ordinance, 1890," and this Ordinance and the principal Ordinance may be cited collectively as "The Trade Marks Ordinances, 1888 and 1890." Short title.

26th April, 1890.

No. 5 of 1890.

An Ordinance relating to Mines of Gold, Silver, and Precious Stones in Lands other than Crown Property.

(See Ordinances No. 20 of 1890 and No. 10 of 1894.)

WHEREAS it is expedient to provide for the better protection of the prerogative rights of the Crown in respect of all gold, silver, gems, or precious stones which may be found in mines in private lands in this colony, and for the regulation and inspection of such mines: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows : Preamble.

1 This Ordinance may be cited for all purposes as "The Gemming Ordinance, 1890." Short title.

Interpretation :

"Land."

2 In this Ordinance—

"Land" means every description of land not being the property of the Crown, and includes the bed of every river and stream adjacent to or flowing through such land.

"Mine."

[§ *1, 10 of 1894.*]

"Mine" includes one or more mines opened, worked, or used in any land in respect of which a license has been issued under section 4 for the purpose of searching for or obtaining gold, silver, gems, or precious stones, and includes all shafts, levels, planes, works, machinery, tramways, and sidings both below and above ground, which may be sunk, driven, erected, or constructed in and adjacent to such mine or mines.

"Shaft."

"Shaft" includes pit.

"To open, work, or use a mine."

"To open, work, or use a mine" means and includes the sinking of any shaft or the driving of any level or inclined plane, or any act whatsoever whereby the soil or earth or any rock, stone, or quartz in or under any land is disturbed, removed, carted, carried, washed, sifted, or otherwise dealt with for the purpose of searching for or obtaining gold, silver, gems, or precious stones therefrom.

"Person."

"Person" includes any association or body of persons, whether incorporated or not.

License to open a mine.

3 It shall not be lawful for any person to open, work, or use any mine without having previously obtained a license as hereinafter provided.

How issued.

4 (1) The government agent may issue in respect of any land within his province, to any person establishing a *primâ facie* right to enter upon and open, work, or use a mine in such land, a license under this Ordinance.

(2) The license shall be substantially in the form set out in the schedule hereto, and shall be subject to a stamp duty of *one* rupee.

[§ *2, 10 of 1894.*]

Applicant for license to make certain declarations.

5 (1) Before any license is issued, the person applying for the same shall furnish the government agent with a declaration in writing containing—

(*a*) The name and boundaries of the land in which the mine is to be opened, worked, or used ;

(*b*) The nature of the right of the applicant to open, work, or use the mine on such land ; and

(*c*) The name or names and residence or residences of himself and of the person or persons under whose management or superintendence the mine is intended to be opened, worked, or used.

(2) If the party making such declaration ceases to have an interest in the mine, or if any person or persons other than those named in the declaration shall be entrusted with the management or superintendence of the mine, the licensee shall make a further declaration thereof to the government agent.

(3) Every such declaration shall be signed by the party making the same, or by his duly authorized agent, and shall be filed of record in the office of the government agent.

License may be refused or revoked. Appeal to the Governor in Executive Council.

6 (1) The government agent may refuse to grant any license which may be applied for, or may attach such conditions thereto and require such security to be furnished by the applicant for the due fulfilment of such conditions as he may deem expedient, and may revoke any such license in the event of any of the conditions not being fulfilled.

(2) Whenever the government agent shall refuse to grant, or shall revoke a license, he shall forthwith report such refusal or revocation, and the reasons therefor, to the Governor in Executive Council, by whom such refusal or revocation may be confirmed or reversed.

(3) Any person aggrieved by an order of the government agent refusing to grant or revoking a license, or by the conditions attached to a license, may appeal to the Governor in Executive Council within thirty days from the date of such order, and the decision of the Governor in Executive Council shall be final.

Injunction to restrain licensee.

7 (1) Nothing herein contained shall in any way prejudice the right of any person having a title superior to that of a licensee in respect of any land or part thereof which may be described in the license, to apply to a competent court for an injunction to restrain the licensee from opening, working, or using a mine in such land or part thereof, or to take such other proceedings at law as may be necessary for the protection of his interests.

Revocation of license by court

(2) In any case in which the court upholds the superior title of such person as against the licensee, the court shall revoke the license, and the same shall thereupon cease to have any force or effect.

Production of license, which is not transferable.

9 A license issued under this Ordinance shall not be transferable, and every licensee shall produce his license whenever he shall be called upon to do so by the government agent of the province or the assistant government agent of the district, or by any person authorized in writing by either officer in that behalf.

Rules.

10 The Governor in Executive Council shall from time to time make, and when made may alter, amend, or cancel rules for—

(*b*) Inspecting and examining into the state and condition, and ensuring the due ventilation, of any mine or any part thereof ;

(*c*) Regulating all matters and things connected with, or relating to, the safety of the persons employed in or about any mine ; and

(*d*) Every other purpose necessary for carrying out the several provisions of this Ordinance.

Proviso.

Provided that no rule or alteration, amendment, or cancelment thereof shall have effect until the same is duly published in the *Government Gazette.*

Penalties.

11 Any person who shall open, work, or use, or cause or suffer to be opened, worked, or used any mine in breach of, or in any way contrary to, the provisions of this Ordinance or of any rules made under section 10, or otherwise than in strict accordance with the license in that behalf granted under this Ordinance, or after such license shall have been revoked, or who shall refuse to produce any license whenever required to do so, and any person who shall knowingly and wilfully be employed in or about a mine without a permit, shall be guilty of an offence, and be liable on a first conviction to a fine not exceeding fifty rupees, or to rigorous imprisonment not exceeding three months, or both, and on every subsequent conviction to a fine not exceeding one hundred rupees, or to rigorous imprisonment not exceeding six months, or both.

Confiscation.

12 When any person is convicted of opening, working, or using a mine without a license, or contrary to the conditions thereof, or in breach of any of the provisions of this Ordinance, all the gold, silver, gems, or precious stones and mining implements which at the time of the commission of the offence were found on the person or in the possession of such offender shall be liable, by order of the convicting magistrate, to confiscation, and such confiscation may be in addition to any other punishment prescribed for such offence.

Evidence.

13 In any prosecution instituted under this Ordinance against any person for having opened, worked, or used any mine without a license, the burden of proof that he holds a license or permit, as the case may be, shall lie on the party accused and, until the contrary shall be proved, he shall be deemed to have no license.

Decision of Governor in Executive Council as to mines.

14 If any question arises whether a mine is a mine to which this Ordinance applies, such question shall be referred to the Governor in Executive Council, whose decision thereon shall be final.

Prosecutions when barred.

15 No prosecution shall be entertained for any offence under this Ordinance unless the same is instituted within six months from the date of the commission of the offence.

Informer's share.

16 It shall be lawful to the court imposing a fine under the provisions of this Ordinance to award to the informer any share not exceeding a moiety of so much of the fine as is actually recovered and realized.

Repeal.

17 In section 3 of the Ordinance No. 7 of 1882, the words "or upon any land in which the rights of the Crown to gems and precious stones have been reserved," are hereby repealed.

18 This Ordinance shall come into operation on the passing thereof, but its provisions shall not apply to any mine which shall have been opened, worked, or used not less than six months before the passing of this Ordinance, until the first day of October next, from and after which date they shall have full force and effect as regards every such mine as aforesaid. Commencement.

SCHEDULE, No. 10 OF 1894.

Form of License.

In terms of section 4 of the Ordinance No. 5 of 1890, I, ———, do hereby license ——— to open, work, and use one or more mines for the purpose of searching for or obtaining (gold *or* silver *or* gems, *as the case may be*) in the land called ———, situated at ——— ; bounded on the north, &c. (*state the boundaries of the land*), subject to the following conditions (*state conditions, if any*).

Given at ——— this ——— day of ———, 18 —.

———

Government Agent.

26th April, 1890.

No. 6 of 1890.

An Ordinance to consolidate the Laws relating to Her Majesty's Revenue from Salt.

WHEREAS it is expedient to consolidate and amend the laws now in force in this island for the protection of Her Majesty's revenue derived from salt: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows: Preamble.

1 This Ordinance may be cited as "The Salt Ordinance, 1890." Short title.

2 There shall be repealed as from the commencement of this Ordinance the Ordinances mentioned in the schedule A hereunto annexed. Provided that the repeal shall not affect— Repealing clause.

(*a*) The past operation of any enactment hereby repealed, nor any thing duly done or suffered under any enactment hereby repealed; nor

(*b*) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; nor

(*c*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; nor

(*d*) Any legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid.

Where any unrepealed Ordinance incorporates or refers to any provisions of any Ordinance hereby repealed, such unrepealed Ordinance shall be deemed to incorporate or refer to the corresponding provisions of this Ordinance.

Interpretation clause.

3 In this Ordinance, unless the context otherwise requires—

"Vessel" shall mean anything employed to contain salt or for the carriage or conveyance of salt whether by land or water.

"Adulterated" shall mean mixed, whether mechanically or otherwise, with any substance not forming part of the composition of the salt when issued from the Government store.

"Abet" shall have the meaning given to it in "The Ceylon Penal Code."

Collection and manufacture of salt.

4 It shall not be lawful for any person to collect or attempt to collect salt naturally formed, or to manufacture or attempt to manufacture salt by any process whatsoever, except on account of Government and under the written license of the government agent of the province or assistant government agent of the district in which it shall be collected or manufactured.

Possession of salt in districts enumerated in schedules. Restriction as to quality

5 It shall not be lawful for any person (unless duly authorized by license as hereinafter provided) to possess salt in any greater quantity than three quarts in the districts enumerated in schedule B hereunto annexed. Provided that the possession of any salt whatever in the said districts enumerated in schedule B hereunto annexed, of a description different from that issued from the Government stores for sale within the limits of the village, district, or province in which such salt shall be found, shall be unlawful, unless the person possessing the same shall duly account for the difference.

Government agent may grant licenses for possession or retail of salt

6 (1) In any of the aforesaid districts the government agent of the province in which any such district is situated or the assistant government agent of the district may grant licenses for the possession or sale by retail of salt purchased from Government stores within any such district.

(2) The license to be granted to any person for the possession of salt shall define the purposes for which the salt is required, the quantity allowed to be possessed, the Government store from which the salt has been or is to be purchased, and the period during which it is to be in force. Provided that such period shall in no case exceed six months from the date of such license.

Retailers may grant licenses.

7 Persons licensed to sell salt by retail may grant licenses in their respective districts for the possession of salt purchased from themselves in quantities not exceeding twenty-four quarts, and for a period not exceeding fourteen days.

8 It shall not be lawful for any person to bury or conceal in any quantity whatever any salt illegally collected, manufactured, or possessed, or which shall not be satisfactorily accounted for; and the occupier of any house or premises in which shall be found any salt, or any earth or sand or water impregnated with salt, which he is unable satisfactorily to account for, shall be guilty of an offence, and be liable to such punishment as is provided for by section 16.

Concealment of salt.

9 If any person shall be found in the immediate vicinity of any salt pan or salt leway under suspicious circumstances, it shall be lawful for any person to bring him before the police court, which shall thereupon investigate the matter of suspicion alleged against him, and if he shall fail to give a satisfactory account of himself, and there shall, in the opinion of the court, be reasonable ground to believe that he was in the immediate vicinity of such salt pan or leway with intent to collect or remove salt there formed, collected, or deposited, the court shall require him to give such security for his good conduct as it shall deem fit, and in default of such security shall sentence him to imprisonment, simple or rigorous, for a period not exceeding six months.

Persons found in the vicinity of a salt pan.

10 It shall not be lawful for any person in any district other than those enumerated in schedule B hereunto annexed to possess, sell, dispose of, or remove any salt whatever, unless such salt be of the same kind and description as the salt manufactured or collected in some part or parts of this island on account of Government.

Possession, removal, or sale of salt other than salt collected or manufactured by Government illegal.

11 The removal of salt in any quantity exceeding three quarts in the districts in which the possession of three quarts is hereinbefore allowed, at one time from or to any place within the island, and the export or import thereof by sea, except under the permit of some government agent or assistant government agent, or of a licensed retailer, to the extent of twenty-four quarts, shall be unlawful, and such permit shall specify the date thereof, the quantity of salt to be removed, the name of the person removing, the place from and to which, the conveyance by which, and the period within which it is to be removed, which period shall not exceed, in the case of a permit granted by a government agent or assistant government agent, three calendar months, or of a permit of a licensed retail dealer fourteen days. Provided always that it shall be lawful by permit of any collector of customs to ship salt specified in such permit on board any vessel for the use of the crew, the same having been originally purchased from the Government salt store or licensed salt retailer according to the general provisions of this Ordinance.

Removal of salt.

12 It shall be unlawful for any person to sell salt within the districts enumerated in schedule B annexed to this Ordinance in any quantity whatsoever, except on account or by license of the government agent of the province or the assistant government agent of the district within which such salt is sold.

Sale.

Retailer to affix notice to place of sale.

13 Every licensed retail dealer shall affix in front of his shop, stall, or place of retail sale a board having printed or legibly written thereon the name of the licensed retail dealer and the words "licensed to sell salt," together with the price fixed under section 15, in the English, Sinhalese, and Tamil languages, and shall not sell any salt by retail without having such board affixed, or in any place other than that at which he is licensed to sell.

Sale of adulterated salt illegal.

14 It shall be unlawful for any storekeeper or other person selling salt on behalf of Government or any licensed retail dealer of salt to possess or sell adulterated salt.

Salt to be sold by weight.

15 Every storekeeper or other person selling salt on behalf of Government, and every licensed retailer of salt, shall be bound to sell and deliver salt by weight, and not by measure, at such price as may be fixed by Government from time to time.

Penalty for breaches of Ordinance.

16 Any person who shall collect or manufacture, or attempt to collect or manufacture, or possess, or sell, or dispose of, or remove, or land, or ship salt in any way contrary to the provisions of this Ordinance, or otherwise than in accordance with the license or permit on that behalf granted under this Ordinance, or who shall possess or sell adulterated salt, or bury or conceal any salt illegally collected, manufactured, or possessed; and the occupier of any house or premises in which shall be found any salt, or any earth or sand or water impregnated with salt which he is unable satisfactorily to account for; and any master or person in charge of any vessel who shall land or ship salt from or to any vessel without a permit, or (if the salt is for the use of the crew) without having obtained a permit from a collector of customs; and any person who shall abet any other person in the commission of any of the aforesaid acts, shall be guilty of an offence, and shall be liable on conviction to a fine at a rate not exceeding one rupee per quart or part of a quart of the salt in respect of which the offence is committed, and to a further fine, at the discretion of the magistrate, not exceeding one hundred rupees, and in default of payment to imprisonment, rigorous or simple, for any period not exceeding twelve months.

Confiscation of property.

17 And all salt in respect of which any offence shall be committed, and all vessels containing the same, or in which such salt shall be unlawfully collected, manufactured, possessed, removed, sold, or conveyed, together with any horse, bullock, or any other beast employed in the carriage or conveyance of such salt, and any machinery employed in the unlawful manufacture of salt, shall be confiscated.

Police court to have jurisdiction.

18 (1) Any offence against this Ordinance may be inquired into, tried, and determined by the police court of the district in which the offence was committed wholly or in part, and such court shall have jurisdiction to award the maximum punishment prescribed therefor, and to declare and adjudge any salt, vessel, machinery, or thing liable to be confiscated under section 17 of this Ordinance, forfeited, and to condemn

the same whatever may be the amount or value thereof, anything in the Criminal Procedure Code to the contrary notwithstanding.

(2) The police court imposing a fine under this Ordinance may award to an informer any portion, not exceeding a moiety, thereof which may be actually recovered. Informer's share.

19 It shall be lawful, and every police officer or headman is hereby required, to arrest any person whom he finds committing or attempting to commit any offence under this Ordinance, and to seize any salt or other thing declared by this Ordinance to be liable to be confiscated, and to produce the same forthwith before the police court. Arrest and seizure.

20 In all cases requiring any search or seizure to be made without the delay which would be incurred by an application to the police court, any officer of the police or headman may, on information laid before him showing just grounds of suspicion, and that the object of search would probably be defeated by the delay of applying to the police magistrate, make such search or seizure without warrant. Provided always that such search or seizure, if in a dwelling house, shall be made or commenced between sunrise and sunset only, and that in such and all other cases of search or seizure the police officer shall report his proceedings and the result of his search or seizure to the nearest police magistrate without unnecessary delay, and any police officer failing to make such report shall be guilty of an offence, and liable on conviction to a fine not exceeding fifty rupees ; and if any police officer shall have wantonly, maliciously, or corruptly exercised any power or authority hereby vested in him, he shall, besides his liability in damages to the party injured, suffer such punishment as the court shall on conviction award. Search or seizure without warrant.

21 It shall be lawful for the Governor from time to time, by Proclamation to be published in the *Government Gazette*, to exempt any part or parts of the island from all or any of the restrictions to which the same are subject under this Ordinance in regard to the sale, possession, removal, or manufacture of salt, and any such Proclamation to amend, alter, suspend, or revoke by any subsequent Proclamation to be issued and published in like manner. Governor empowered to exempt any parts of the island from the restriction of the Ordinance.

22 Nothing in this Ordinance contained shall apply to any salt which is imported into this island, and on which customs duty shall have been duly paid. Ordinance not to apply to imported salt.

SCHEDULE A.

No. 3 of 1836	No. 26 of 1852
No. 1 of 1838	No. 5 of 1856
No. 17 of 1840	No. 2 of 1864

SCHEDULE B.

The judicial district of Chilaw north of the Deduru-oya.
The judicial district of Puttalam.
The judicial district of Mannár.
The judicial district of Jaffna.
The judicial district of Mullaittívu, excepting Tunukkay, Karunavalpattu south, and Melpattu north.
The judicial district of Trincomalee.
The judicial district of Batticaloa.
The judicial district of Taṇgalla, excepting Walasmulla upper and lower, Marakada upper and lower, Wewugampalata, and Paranagampalata.

14th May, 1890.

No. 7 of 1890.

An Ordinance to amend the Ordinance No. 13 of 1889, relating to Indian Coolies employed on Ceylon Estates.

Preamble.

WHEREAS it is expedient to amend the Ordinance No. 13 of 1889, intituled "An Ordinance amending the Law relating to Indian Coolies employed on Ceylon Estates," and hereinafter referred to as "the principal Ordinance:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Amendment of sub-section 1, section 6, of Ordinance No. 13 of 1889.

1 In sub-section 1 of section 6 of the principal Ordinance, for the words "the first three days of every month for the month or portion of the month last preceding" shall be substituted the words "sixty days from the expiration of the month during which such wages shall have been earned."

Amendment of section 7 of Ordinance No. 13 of 1889.

2 In section 7 of the principal Ordinance, for all the words after the words "such alleged offence" shall be substituted the words "the monthly wages earned by him shall not have been paid in full within the period specified in sub-section (1) of section 6."

Construction of Ordinance No. 13 of 1889.

3 The principal Ordinance shall, as from the commencement of this Ordinance, take effect subject to the substitutions required by this Ordinance, but nothing in this Ordinance shall affect the validity of any act done, right acquired, or liability incurred under the principal Ordinance before the commencement of this Ordinance.

Commencement.

4 This Ordinance shall come into operation at such time as the Governor shall, by Proclamation to be published in the *Government Gazette*, appoint.*

22nd May, 1890.

* Proclaimed the 15th day of August, 1890.

No. 8 of 1890.

An Ordinance to continue in force "The Wharf and Warehouse Ordinance, 1876."

WHEREAS the Ordinance No. 10 of 1876, intituled "An Ordinance to repeal the Wharf and Warehouse Ordinance, 1865, and to make further provision for the establishment in Colombo and regulation of a Company to perform the duties of Wharfingers and Warehousemen," as amended by "The Wharf and Warehouse Amendment Ordinance, 1884," will expire at the end of the present session of the Legislative Council, and it is expedient to further amend and continue the first-mentioned Ordinance for the period hereinafter mentioned: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows: **Preamble.**

1 "The Wharf and Warehouse Amendment Ordinance, 1884," is hereby repealed, except as to rights or liabilities which shall have been acquired or incurred, acts which shall have been duly done or suffered, and all proceedings or matters which shall have taken place thereunder before this Ordinance comes into operation. **Ordinance No. 17 of 1884 repealed.**

2 The schedule A hereto shall be the schedule of the maximum rates, rents, and charges to be enforced under the Ordinance No. 10 of 1876 in lieu and instead of the schedule to the Ordinance No. 17 of 1884 hereby repealed. **New schedule of maximum rates, rents, and charges.**

3 The Ordinance No. 10 of 1876 as hereby amended shall remain and continue in force until first January, 1894, and from thence to the end of the then next session of the Legislative Council. **Ordinance No. 10 of 1876 continued.**

SCHEDULE A.

Imports.

			Rates for Goods removed to and from Bond.	Wharf & Warehouse Co.'s revised Rates for Goods removed from Transit Warehouses. Net.
			Rs. c.	Rs. c.
Asphalt ...	— ..	per ton	1 75	1 20
Cement ...	— ...	per barrel	0 37½	0 26½
Cotton goods ...	In bales or cases of ordinary size	each	0 45	0 30
Earthenware ...	Crates or casks of ordinary size	do.	1 10	0 60
	Of large size ...	do.	1 25	0 90
Fish (dried) ...	In packages not exceeding 1 cwt.	each pkg.	0 8	0 7
	Exceeding 1 cwt. . .	per cwt.	0 8	0 7
Flour ...	In barrels	each	0 45	0 28
	In bags of 200 lb. ...	do.	0 15	0 9
Glassware ...	In cases, 8 to 25 cubic ft. ...	do	0 80	0 65
	In cases, 26 cubic ft. and upwards ...	do.	0 95	0 75
	Casks and crates, up to 30 cubic ft. ...	do.	0 80	0 65
	Do. above 30 cubic ft.	do.	1 25	1 0

Wharf and Warehouse Company.

			Rates for goods removed to and from Bond.	Wharf & Warehouse Co.'s revised Rates for Goods removed from Transit Warehouses.
			Rs. c.	Net. Rs. c.
Gunny bags ...	Manufactured jute and such-like goods in bales...	each	0 45	0 30
Hardware ...	In casks or cases of ordinary size ...	do.	0 75	0 50
	In casks or cases of large size	do.	1 25	0 75
Iron ...	In bars, bundles, hoops, plates, pig, or packages not exceeding one ton in weight ...	per ton	1 50	1 25
Manure ...	— ...	do.	1 50	1 0
Nails, &c. ...	In kegs or drums of 1 cwt.	each	0 20	0 10
Oil, turpentine, &c.	In drums of 5 gallons ...	do.	0 30	0 20
Oilmanstores (according to size)	Packages of 1 dozen size...	do.	0 20	0 10
	Do. 2 do. ...	do.	0 40	0 20
	Do. 3 do. ...	do.	0 50	0 25
Parcels ...	And small packages, not over 25 lb. in weight (not containing valuables) ...	do.	0 20	0 20
Rice and grain ...	Per bag of 164 lb. ...	do.	0 9	0 7
Sugar ...	Per bag of 164 lb. ...	do.	0 10	0 10
Staves ...	Hogsheads ...	100 bundles	9 50	7 50
	Puncheons ...	do.	11 0	8 50
	Pipes	do.	12 0	10 50
Tar ...	In barrels... ...	each	0 34	0 24
Vegetables and miscellaneous articles	Such as potatoes, onions, ginger, pepper, saffron, arrowroot, and such-like. If in baskets or robbins not exceeding 1 cwt. ...	do.	0 8	0 7
	Or if in larger packages ...	per cwt.	0 8	0 7
Wines, spirits, and malt liquors	In butts and pipes ...	—	1 50	1 12
	Puncheons ...	—	1 0	0 60
	Hogsheads ...	—	0 50	0 36
	Barrels of bottled beer or porter	—	0 40	0 28
	Quarter casks ...	—	0 40	0 25
	Cases of 3 or 4 dozen ...	—	0 50	0 30
	Cases of 2 dozen ...	—	0 40	0 20
	Cases of 1 dozen ...	—	0 20	0 12

NOTE.—In the matter of the weighing or examination of goods named in the above tariff (other than cases of wines, spirits, and malt liquor) a charge of 25 cents per ton, measurement or weight, according to usage, will be made against the owners or consignees on all goods selected by them, or by the agents of vessels, for examination or weighing.

Exports.

Rates for Receiving and Shipping Goods.

Rs. 5·25 per	18 casks	... not exceeding	10 cwt.	each	Coffee.
	30 tierces or hogsheads	do.	6	do.	
	40 barrels ...	do.	4	do.	
	120 bags ...	do.	1½	do.	
	12 pipes ...	do.	18	do.	Cocoa-nut oil.
	20 puncheons ...	do.	10	do.	
	30 hogsheads ...	do.	5	do.	
	60 bales cinnamon of 100 lb. each; larger or smaller bales in proportion.				

Rs. 5·25 per
- 160 bags cinnamon chips.
- 40 bales cinchona of 336 lb. each ; larger or smaller bales in proportion.
- 40 cases cinchona of 336 lb. each ; larger or smaller cases in proportion.
- 160 bags cinchona (not pressed).
- 50 bales cotton wool of 300 lb. each ; larger or smaller bales in proportion.
- 120 bags cacao, not exceeding 1½ cwt. each.
- 40 barrels plumbago, not exceeding 5 cwt. each.
- 100 cases or chests of tea of 100 lb. each ; larger or smaller cases or chests in proportion.
- 50 bales jute of 300 lb. each ; larger or smaller bales in proportion.
- 40 bales gunnies of 300 lb. each ; larger or smaller bales in proportion.

Rs. 6 per 2,000 dholls, or 800 ballots, or 40 bales, coir yarn, fibres, &c.
Rs. 6 per 120 cwt. deer horns, in bundles.
Rs. 6 per 100 cwt. deer horns, loose.
Rs. 6 per 160 cwt. ebony.
Rs. 7 per 5,000 (in number) cocoanuts.
Rs. 6 per 100 cwt. sapanwood.

N.B.—No quantity, however small, shall be charged less than one-fourth of the above rates.

Rates for Warehouse Rent.

I.—*Imports.*

Transit Warehouse, single rates, as provided for under the terms of the Lease.

	For a Week. Cents
For each butt, pipe, or puncheon	50
For each half pipe or hogshead	25
For each barrel or quarter cask	15
For each cask or keg of smaller size	10
For each crate, cask, or case of hardware, earthenware, or iron-mongery	25
For each bale, case, or box measuring 60 cubic ft. and upwards ...	25
Do. do. 40 cubic ft. and under 60 cubic ft.	20
Do. do. 25 do. 40 do. ...	15
Do. do. 15 do. 25 do. ...	12
Do. do. 10 do. 15 do. ...	8
Do. do. 5 do. 10 do. ...	6
For each small box or package	4
For each bag of rice or sugar	4
For beer, wine, or spirits, in bottle, per dozen quarts ...	4
For coir yarn or rope, in ballots or bundles, per cwt. ...	5
Heavy goods, such as metal or timber, per ton	25

1. Goods left on the quay, half the above rates ; but manure will be charged full rates.

2. Goods may remain in the transit warehouse free of rent for three days, exclusive of Sundays and holidays, after which they will be subject to double the above rates. A week's rent will be charged for all fractions of a week.

II.—*Bonded Warehouse.*

The following rates will be charged on all goods warehoused in the bonded warehouses.

Rent will commence on the day the goods are deposited therein ; and a week's rent will be charged on all fractions of a week.

	For a Week. Cents
For each butt, pipe, or puncheon	40
For each half pipe or hogshead	20
For each barrel or quarter cask	12
For each octave, or cask of like size	8

Notaries.

	For a Week. Cents
For each crate, cask, or case of hardware, earthenware, or ironmongery	20
For each bale, case, or package measuring 60 cubic ft. and upwards	20
Do. do. 40 cubic ft. and under 60 cubic ft.	16
Do. do. 25 do. 40 do. ...	12
Do. do. 15 do. 25 do. ...	8
Do. do 10 do. 15 do. ...	6
Do. do. 5 do. 10 do. ...	4
For each smaller box or package	2
For each bag of sugar or rice	4
Iron, or other heavy goods in bulk, per ton	20
Beer, wine, or spirits, per dozen quarts	1

III.—*Exports.*

The following rates will be charged on all goods brought for shipment. Such goods will be allowed three clear days free of rent, after which they will become liable to the payment of a daily rent.

	For a Day. Cents
For each leaguer, pipe, or cask of like size	25
For each hogshead, or cask of like size	12
For each cask or barrel of coffee not weighing more than 3 cwt. gross	6
For each cask or barrel of coffee weighing more than 3 cwt. and not exceeding 7 cwt.	8
For each cask or barrel of coffee weighing more than 7 cwt. ...	12
For each barrel of plumbago	7
For each bale, case, or package measuring 60 cubic ft. and upwards	25
Do. do. 40 cubic ft. and under 60 cubic ft.	20
Do. do. 25 do. 40 do. ...	15
Do. do. 15 do. 25 do. ...	12
Do. do. 10 do. 15 do. ...	8
Do. do. 5 do. 10 do. ...	6
For each smaller box or package	2
For each bag of coffee	4
Coir goods in ballots or bundles, per cwt.	4

No rent charged for goods brought to the wharf and removed therefrom on the same day. No rent charged for goods on days when the storm flag is hoisted.

Other goods of like size or weight not mentioned in the foregoing schedule to be charged in proportion to the rates specified. Any disagreement to be referred for the final decision of the Principal Collector of Customs.

1st October, 1890.

No. 10 of 1890.

An Ordinance to amend the Law relating to Notaries.

Preamble.

WHEREAS it is expedient to amend the Ordinance No. 2 of 1877, intituled "An Ordinance to amend and consolidate the Law relating to Notaries," and hereinafter referred to as "the principal Ordinance:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Governor, with the advice of the Executive Council, may revoke the withdrawal or cancellation of a notary's warrant and issue a fresh warrant.

1 (1) In any case in which a notary's warrant shall have been withdrawn or cancelled under the provisions of the principal Ordinance, it shall be lawful for the Governor, with the advice of the Executive Council, if to him it shall appear expedient so to do, to make an order revoking such withdrawal or cancellation, and to issue a fresh warrant in place of the one withdrawn or cancelled.

(2) Notice of such order shall be given in the *Government Gazette*, and a copy thereof shall be transmitted by the Colonial Secretary to the district court and courts of requests of the district within which such notary shall have been authorized to act, and to the Registrar-General. Notice of revocation.

(3) It shall be the duty of the judge of the court in which the name of a notary shall have been enrolled at the time of the withdrawal or cancellation of his warrant forthwith, upon the receipt of such notice as aforesaid, and on the production of a fresh warrant, to restore the name of such notary to the roll of notaries. Notary to be re-enrolled.

2 Every such notary shall, from and after the date on which his name is restored to the roll of notaries as hereinbefore provided, be entitled to execute the office of a notary in conformity with the authority given to him by the fresh warrant of the Governor. Notary to act on fresh warrant from and after re-enrolment.

3 The judge restoring the name of any notary to the roll of notaries kept in his court shall require fresh security to be provided by such notary under section 13 of the principal Ordinance. Fresh security shall be taken.

4 This Ordinance shall be read as one with the principal Ordinance. To be read with Ordinance No. 2 of 1877.

10th November, 1890.

No. 11 of 1890.

An Ordinance to confirm the Validity of the Registration of certain Marriages, Births, and Deaths in the District of Eravur, in the Eastern Province.

(*See No. 6 of 1847.*)

WHEREAS doubts have arisen as to the legality of the registration of marriages, births, and deaths in the district of Erávúr, in the Eastern Province, as from and after the first day of February, One thousand Eight hundred and Seventy-nine, and it has become expedient to remove such doubts: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows: Preamble.

1 This Ordinance may be cited for all purposes as "The Marriages, Births, and Deaths Registration Amendment Ordinance, 1890." Short title.

2 As from and after the first day of February, One thousand Eight hundred and Seventy-nine, the district of Erávúr, in the Eastern Province, consisting of the villages named in the schedule hereto, shall be deemed to have been, and shall hereafter be, a registration district, for the purposes of the Ordinances No. 6 of 1847, No. 13 of 1863, No. 8 of 1865, and No. 18 of 1867. Erávúr to be a registration district.

Persons acting as registrars for the Erávúr district to be deemed duly appointed.

3 Every person who between the first day of February, One thousand Eight hundred and Seventy-nine, and the passing of this Ordinance shall have held, or who at the date of the passing of this Ordinance is holding, the office of registrar of marriages, or the office of registrar of births and deaths, within the district of Erávúr, shall be deemed for the purposes of the Ordinances specified in the preceding section, to have been duly appointed registrar of marriages and registrar of births and deaths respectively.

Proviso as to subsequent valid marriages.

4 Provided always that no validity shall be given by the enactments contained in the two preceding sections to any marriage that may have heretofore been declared invalid by a competent court, or where the parties or either of them have or has contracted a valid marriage subsequent to the first day of February, One thousand Eight hundred and Seventy-nine, and before the passing of this Ordinance.

SCHEDULE.

Tannámunai	Kommáturai
Mayilampáveli	Vantáraimulai
Vedakudi	Chittándikudi
Arumukattánkudi	Kaluvankeni
Erávúr, Moor village	Perumaveli
Véddakkudi, Moor village	Pankudáveli
Erávúr, Tamil village	Rúgam
Pútúr	

10th November, 1890.

No. 12 of 1890.

An Ordinance to remove doubts as to the places in which Police Courts may be holden.

(*See No. 3 of 1883.*)

Preamble.

WHEREAS doubts have arisen as to whether police courts in this island may be lawfully holden in any place not specially appointed in that behalf by the Governor within the limits of the divisions in which such courts are respectively established, and it is expedient to remove such doubts: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Police court may be holden at any convenient spot within the division.

1 Each and every police court which has heretofore been or which may hereafter be lawfully established in any division shall be holden, by and before the police magistrate appointed thereto, at any convenient spot within the limits of such division, anything in any Ordinance or Proclamation to the contrary notwithstanding.

10th November, 1890.

No. 13 of 1890.

An Ordinance to amend the Ceylon Penal Code.

(*See No. 2 of 1883.*)

WHEREAS it is expedient to amend the Ceylon Penal Code in the particulars hereinafter mentioned: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows: Preamble.

1 In section 363 of the Ceylon Penal Code, the words "under twelve years of age" shall be substituted for the words "under ten years of age," wherever the latter words occur in the said section. Amendment of section 363 of the Ceylon Penal Code.

2 This Ordinance and the Ceylon Penal Code shall be read together as one Ordinance. To be read as one with the Ceylon Penal Code.

10th November, 1890.

No. 14 of 1890.

An Ordinance relating to the giving of Security by Public Officers of the Crown in Ceylon.

WHEREAS certain public officers in the employment of the Government of Ceylon are required to enter into security to our Sovereign Lady the Queen for the due performance of the duties of their respective offices: And whereas it is expedient that a system of giving security in all such cases should be by law established: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows: Preamble

1 This Ordinance shall be called "The Public Officers' Security Ordinance, 1890," and shall come into operation from such day as may be appointed by order of the Governor in Executive Council proclaimed in the *Government Gazette.** Short title. Commencement.

2 (1) From and after the day this Ordinance comes into operation, every person in the employment of the Government of Ceylon, who is required to give security for the due discharge in any respect of the duties of his office, shall give security according to the provisions of this Ordinance, in one or other of the following ways as the Governor may in each case determine, and not otherwise; namely: Different ways in which public officers may give security.

(*a*) By personal bond and deposit with the Colonial Treasurer to the extent required of public securities of the United Kingdom, India, or the Colonies, duly endorsed in favour of the said Treasurer, or By personal bond and deposit of securities or money.

* Proclaimed the 1st day of July, 1891.

by personal bond and lodgment of moneys in the Ceylon Savings Bank, or Post Office Savings Bank, or any local bank approved by the Governor in Executive Council to such extent in the name of the said Treasurer.

By personal bond and guarantee of association of public servants

(*b*) By personal bond and the guarantee of any association of public officers of the Crown in Ceylon for purposes of mutual guarantee, whereof the business is conducted according to rules from time to time approved by the Governor in Executive Council and published in the *Government Gazette.*

By personal bond and guarantee of a guarantee company duly approved by the Governor.

(*c*) By personal bond and the guarantee of any such public company or association accustomed as part of their regular business to guarantee the fidelity of any persons as may be approved by the Governor.

Officers who have already given only personal security required to give security under this Ordinance.

(2) Any person in the employment of the Government of Ceylon who has heretofore given security by executing a joint and several bond with one or more sureties shall, from and after the coming into operation of this Ordinance, give security in one or other of the ways hereinbefore provided, as the Governor may determine.

Form and amount of bond or other instrument.

3 All bonds and all instruments relating to security under this Ordinance shall be in such form as may be prescribed and for such amount as may be fixed by the Governor, except as to any amount which may be fixed by law. The amount of the deposit in the Ceylon Savings Bank, or Post Office Savings Bank, or any local bank approved by the Governor in Executive Council, and the value of the securities deposited under this Ordinance by any public officer, shall be the same as the amount of the bond given by such officer.

Bonds to be attested, approved, and recorded.

4 (1) Every such bond or instrument of securityship given under this Ordinance shall be attested by any district judge, commissioner of the court of requests, or justice of the peace, or by two subscribing witnesses, and when endorsed by any Crown counsel as being in due form shall be recorded in the office of the Colonial Treasurer, and shall then be delivered to the Auditor-General for safe keeping.

Free of stamp duty.

Evidence thereof.

(2) Such bond or instrument shall not be subject to stamp duty, and the production of every such bond or instrument, or the record thereof, or an attested copy of such record, shall be sufficient *primâ facie* evidence of its execution without proof by the officer or witnesses attesting the same.

Receipt for deposit.

Interest.

5 The Treasurer shall give to any officer who deposits securities or lodges money in the Ceylon Savings Bank, or the Post Office Savings Bank, or any local bank approved by the Governor in Executive Council under section 2 of this Ordinance, a receipt for the same in such form as may be prescribed by the Governor. The depositor shall, unless and until the condition of his bond is broken, be entitled to receive from the Treasurer the interest on the securities or

money so deposited as such interest becomes due from time to time, and shall, unless the condition of the bond is broken, be entitled to receive back from the Treasurer, on obtaining the certificate of the Colonial Secretary under section 10 of this Ordinance, the securities or money so deposited by him. The securities and money so deposited, and any interest which may become due after a breach of the depositor's bond, may be applied by the order of the Governor in payment of any sums of money for which judgment shall be recovered against the depositor on his bond, or if the depositor is absent from Ceylon or his residence is not known, may be applied by the order of the Governor without any legal proceedings, in payment of the amount for which judgment might be recovered against the depositor on his bond, if he were in Ceylon and his residence were known. Neither depositors nor their representatives shall, in any case, or under any circumstances, have any right to require the return of securities or money deposited under section 2 of this Ordinance, or of any portion thereof, until they have obtained the certificate of the Colonial Secretary under section 10 of this Ordinance.

Principal of deposit when refunded.

6 When there shall have been a breach of the condition of any bond given under this Ordinance, and any mutual guarantee association, or public company, or other association which has given security under this Ordinance, shall have paid the whole amount of such bond or such lesser amount as the Crown may claim from such mutual guarantee association, public company, or other association, such mutual guarantee association, or public company, or other association shall be entitled to have such bond assigned to them or to a trustee for them, and be entitled after such assignment to sue on such bond in their own names or in the name of the trustee. Provided that they shall not recover in any such action an amount larger than the sum they have actually paid as sureties. Such assignment shall be made by the Colonial Secretary by indorsement on the bond or otherwise as he may think fit. The assignment shall bear the stamp, to be paid for by the assignee, to which an ordinary assignment of such bond would be liable. In any action or suit on any bond assigned under this section, judicial notice shall be taken of the signature of the Colonial Secretary.

On breach of bond and payment by guarantees, bond may be assigned to them.

Proviso limiting amount to be recovered.

How bond to be assigned.

Evidence thereof.

7 No promised guarantee of any public company or of any association shall entitle any public officer to any privileges of office that are dependent upon his being guaranteed, nor shall he become entitled to any such privileges until the policy of guarantee or other instrument legally binding the company or association shall have been actually executed and recorded in the office of the Colonial Treasurer.

Promised guarantee not to entitle person to privileges of office.

And if any public officer required to give security under this Ordinance shall improperly neglect for three months or for such shorter time as may be fixed by the Governor, to give such security, his office shall be deemed vacated and a fresh appointment may be made thereto.

Office vacated if security not given within three months, or within any shorter period fixed by the Governor.

Security by Public Officers.

Security under this Ordinance sufficient in all cases.

8 Security given under this Ordinance shall, so far as concerns the form and nature of the security, be deemed a sufficient security by any public officer required by law to give security for the due discharge in any respect of the duties of his office, whether the law hitherto in force does or does not specify any particular kind of security.

In what cases fresh security may be required by the Governor.

9 After the passing of this Ordinance it shall be lawful for the Governor, in any case in which security already given, either before or after the passing of this Ordinance, is, in his opinion, insufficient to secure the amount intended to be secured, to require fresh security under this Ordinance.

Bonds and guarantees, &c., may be given and deposits returned on certificate of Colonial Secretary.

10 (1) Any public officer who has given security under this Ordinance, or his representatives, and the sureties of such officer, shall be entitled, on obtaining the written certificate of the Colonial Secretary to the effect that there is no claim against such officer in respect of any breach of his bond, to have returned to him and them the bonds or other instruments executed by him or them, and also to have satisfaction entered on the margin of the records of the said bonds or instruments; and such person or his representatives shall also be entitled to have given back to him or them any deposit or portion of any deposit, as the case may be, of securities or of money in the Ceylon Savings Bank, or Post Office Savings Bank, or any local bank approved by the Governor in Executive Council, made by him under this Ordinance.

(2) The Colonial Secretary shall not give such certificate unless and until he shall be satisfied by the due auditing of the accounts of such public officer, or by due inquiry otherwise, as the Governor may see fit to direct, that such person and his sureties have fully performed the conditions of their bonds or other instruments, or have fully discharged all liabilities in respect of any breach thereof, and that such person is entitled to a final discharge from his office.

(3) In the case of depositors against whom the Crown has a claim which may be satisfied by a portion only of the deposit, the Colonial Secretary may give a certificate stating that the depositor is entitled to a final discharge only after a portion of the deposit, specifying what portion, has been applied in satisfaction of such claim, and the depositor shall thereupon be entitled to have returned to him the remaining portion of the deposit.

12th November, 1890.

No. 15 of 1890.

An Ordinance relating to Fortifications and Official Secrets.

WHEREAS it is expedient to prevent unauthorized persons from trespassing on, or making sketches of, fortifications and other naval or military works or positions in this island, and also to provide against the disclosure of official documents and information: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows: **Preamble.**

1 This Ordinance may be cited as "The Fortifications and Official Secrets Ordinance, 1890." **Short title.**

2 In this Ordinance, unless the context otherwise requires— **Definitions.**

"Sketch" includes any drawing, photograph, picture, painting, plan, map, survey, or other representation, by whatever means or process made, of any place or thing.

"Sketching materials" includes all implements, materials, and apparatus which are or may be used for the purpose of making any sketch.

"Fortification" includes any fort, battery, or fieldwork, and any arsenal, factory, dockyard, camp, ship, naval establishment, office, or other like place, and whether the same be constructed or in course of construction.

"Police officer" means any member of the police force.

"Person" includes aliens as well as British subjects.

"Document" includes part of a document.

"Model" includes design, pattern, and specimen.

"Office under Her Majesty" includes any office or employment in or under any department of the Government.

Expressions referring to communications include any communication, whether in whole or in part, and whether the document, sketch, model, or information itself, or the substance or effect thereof, only be communicated.

3 (1) Any person who, without the permission in writing of the Governor, or contrary to, or in contravention of, the terms of, or the conditions upon which such permission (if any) is granted, obtains or takes, or attempts to obtain or take a sketch or model of any fortification in the island, shall be guilty of an offence against this Ordinance, and on conviction shall be liable to a fine not exceeding two hundred rupees, or to imprisonment, simple or rigorous, for a period not exceeding one year, or to both. **Taking sketch or model of fortification.**

(2) Every such permission shall clearly and expressly state the nature of the sketch or model which may be made by the person to whom such permission is given, and the fortification or place of which such sketch or model may be

made, and such permission may be granted upon such conditions as the Governor thinks fit, but so that in no case shall such permission endure for a longer period than one month from the date thereof.

Possession of sketching materials.

4 Any person who is found in the vicinity of any fortification with sketching materials in his possession, and under such circumstances as render it reasonably probable that he intends to contravene the provisions of the last preceding section, shall be guilty of an offence against this Ordinance, and shall on conviction be liable to a fine not exceeding one hundred rupees.

Trespass.

5 Any person who, without lawful authority or excuse (proof whereof shall lie on the accused), is found in or upon any fortification, or in or upon any place whether fortified or not, which is set apart or reserved for naval or military operations or purposes, and which the general public have no right to enter into or upon, shall be guilty of an offence, and shall on conviction be liable to a fine not exceeding one hundred rupees, or to imprisonment, simple or rigorous, for a period not exceeding six months, or to both.

Obtaining and disclosing information.

6 (1) Every person who—

(*a*) For the purpose of wrongfully obtaining information when lawfully or unlawfully in any fortification or other such place as aforesaid obtains any document, sketch, model, or knowledge of anything which he is not entitled to obtain ; or

(*b*) Knowingly having possession of or control over any such document, sketch, model, or knowledge as has been obtained or taken by means of any act which constitutes an offence against this Ordinance, at any time wilfully and without lawful authority communicates, or attempts to communicate, the same to any person to whom the same ought not, in the interest of the State, to be communicated at that time; or

(*c*) After having been entrusted in confidence by some officer holding office under Her Majesty with any document, sketch, model, or information relating to any fortification or such other place as aforesaid, or to the naval or military affairs of Her Majesty, wilfully, and in breach of such confidence, communicates the same, when in the interest of the State it ought not to be communicated ;

shall be guilty of an offence, and shall on conviction be liable to a fine not exceeding two hundred rupees, or to imprisonment, simple or rigorous, for a period not exceeding one year, or to both.

(2) Every person who, having possession of any document, sketch, model, or information relating to any fortification or such other place as aforesaid, or to the naval or military affairs of Her Majesty, in whatever manner the same has been obtained or taken, at any time wilfully communicates the same to any person to whom he knows the same ought

not in the interest of the State to be communicated at that time, shall be guilty of an offence, and shall on conviction be liable to the same punishment as if he committed an offence under the last preceding section.

Communication to a foreign State.

7 Where a person commits any act declared in section 3 or 6 to be an offence, such person shall, if he intended to communicate to a foreign State any information, document, sketch, model, or knowledge obtained or taken by him, or entrusted to him as aforesaid, or if he communicates the same to any agent of a foreign State, be punished with imprisonment, simple or rigorous, for a term which may extend to five years, or with fine, or with both.

Breach of official trust.

8 (1) Where a person, by means of his holding or having held an office under Her Majesty, has lawfully or unlawfully either obtained possession of or control over any document, sketch, or model, or acquired any information, and at any time corruptly or contrary to his official duty communicates or attempts to communicate that document, sketch, model, or information to any person to whom the same ought not, in the interest of the State, or otherwise, in the public interest, to be communicated at that time, he shall be guilty of a breach of official trust.

(2) A person guilty of a breach of official trust shall—

(*a*) If the communication was made or attempted to be made to a foreign State, be punished with imprisonment, simple or rigorous, for a term which may extend to ten years, or with fine, or with both.

(*b*) In any other case, be punished with imprisonment, simple or rigorous, for a term which may extend to five years, or with fine, or with both.

(3) This section shall apply to a person holding a contract with any department of the Government, or with the holder of any office under Her Majesty as such holder, where such contract involves an obligation of secrecy; and to any person employed by any person or body of persons holding such a contract, who is under a like obligation of secrecy, as if the person holding the contract and the person so employed were respectively holders of an office under Her Majesty.

Forfeiture.

9 All sketches, models, and documents obtained or taken in contravention of this Ordinance, and all sketching materials found in the possession of any person who is convicted of an offence against this Ordinance, may be seized, and shall be forfeited. And it shall be lawful for any court holding an inquiry into any offence against this Ordinance by its order to declare such forfeiture, and all things forfeited shall be dealt with as the Governor directs.

Every offence cognizable.

Who may arrest.

10 Every offence under this Ordinance shall be a cognizable offence, and any commissioned or non-commissioned officer in Her Majesty's naval or military forces, or any soldier who is employed as a caretaker in any fortification, or any police officer, may, with or without any warrant or other process, apprehend or cause to be apprehended

any person offending against this Ordinance, or suspected of so offending, and may bring such person or cause him to be brought before a police magistrate for the purpose of being dealt with according to law.

Bailable and non-bailable offences.

11 The offences defined in sections 3, 4, 5, and 6 shall be bailable; and the offences defined in sections 7 and 8 shall be non-bailable.

Restriction on prosecutions.

12 No prosecution for an offence against this Ordinance shall be instituted except with the sanction of the Attorney-General or Solicitor-General.

Jurisdiction of police courts.

13 Every offence under section 3, 4, 5, or 6 may be inquired into, tried, and determined by the police court within the limits of whose jurisdiction such offence is committed wholly or in part, and such court shall have jurisdiction to award the maximum punishment prescribed therefor, anything in "The Criminal Procedure Code, 1883," to the contrary notwithstanding.

Defendant may tender himself as a witness.

14 A person charged with an offence against this Ordinance may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon may give evidence in the same manner and with the like effect and consequences as any other witness.

Banishment.

15 Any person not being a natural born subject of Her Majesty, who is convicted of an offence against this Ordinance may, in addition to any punishment which may be awarded under the preceding sections, be banished from the colony by order of the Governor in Executive Council, in such manner and for such period as to the Governor in Executive Council may seem fit; but every such order shall forthwith be reported to Her Majesty's Principal Secretary of State for the Colonies.

12th November, 1890.

No. 16 of 1890.

An Ordinance to establish a Volunteer Reserve.

Preamble.

WHEREAS it is expedient to provide for the establishment and maintenance of a volunteer reserve in this colony: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance may be cited as "The Volunteer Reserve Ordinance, 1890."

Definitions.

2 In this Ordinance, unless the context otherwise requires—

"Commanding officer" shall mean the commanding officer of the Ceylon volunteers.

"Adjutant" shall mean the adjutant of the Ceylon volunteers.

Constitution of volunteer reserve.

3 (1) It shall be lawful for the Governor to keep up a force in this colony called "the volunteer reserve," to consist of—

(*a*) Officers, non-commissioned officers, and men who have duly served in Her Majesty's regular or reserve forces; and

(*b*) Officers, non-commissioned officers, and men of the Ceylon volunteers who have been returned as efficient for not less than two years.

Qualifications.

(2) Only such officers and men shall be eligible for the volunteer reserve as are between twenty and fifty years of age, and are resident outside a radius of ten miles from the headquarters of a reserve district.

Oath.

4 Every person who desires to be admitted into the volunteer reserve under the regulations hereinafter mentioned shall apply in writing to the adjutant to be duly enrolled as by those regulations provided, and shall upon his enrolment being sanctioned take the following oath, or, if he be not a Christian, make the following affirmation, before any justice of the peace having jurisdiction in the place where such oath or affirmation is taken or made:

> I, ———, do sincerely promise and swear (*or* do solemnly, sincerely, and truly affirm and declare) that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors according to law, and that I will faithfully serve Her Majesty in Ceylon for the defence thereof against all her enemies and opposers whatever.

Nominal roll.

5 A nominal roll of members of the volunteer reserve shall be kept by the adjutant, who shall furnish to the officers in command at headquarters of reserve districts the names and addresses of such members as may be residing within their respective districts.

Certificate.

6 (1) Every person enrolled as a member of the volunteer reserve shall forward to the adjutant on the thirty-first day of July and the thirty-first day of December in each year a certificate in the form A in the schedule hereto from his employer or the head of the public department in which he may be serving; and if such person has no employer, and is not serving in any public department, he shall forward to the adjutant at the respective dates afore-mentioned an affidavit made by himself before a justice of the peace in the form B in the schedule hereto, and every such affidavit shall be free from stamp duty.

Notice of removal from one reserve district to another.

(2) Upon such person removing from one reserve district to another, he shall forthwith report such removal to the adjutant, specifying the district to which he shall have removed, and giving his address.

Striking off the roll.

7 It shall be the duty of the commanding officer to cause the name of any person who, without sufficient excuse, fails to furnish the certificate or affidavit required by section 6, or who fails, without being specially exempted therefrom, to fulfil the requirements of section 10, to be struck off the roll, and such person shall thereupon cease to be a member of the volunteer reserve.

Volunteer Reserve.

Resignation.

8 Any member of the volunteer reserve may at any time, except whilst on actual duty when called out under section 12, resign from the reserve, provided he shall give fourteen days' notice in writing to the commanding officer, unless such officer shall dispense with such notice. Provided also that it shall be lawful for the Governor to allow any member to resign at any time, and under any circumstances, subject to such conditions as the Governor shall see fit to impose.

When member of reserve may join corps of Ceylon volunteers.

9 If at any time a member of the volunteer reserve shall reside within a radius of ten miles from the headquarters of a reserve district for any period exceeding twenty-eight days, he shall at once report himself to the officer in command of the company of volunteers thereat, and if willing thereto he may be taken on the strength of such corps, and his name removed from the roll of the volunteer reserve.

Efficiency.

10 Every member of the volunteer reserve must render himself efficient by attending in the first year of his enrolment, and thereafter at least once in every three years, a course of drill and musketry training at such time and place as may be appointed for the purpose by the commanding officer, unless such member shall be specially exempted from so attending by such officer.

Governor may disband or remove any member.

11 The Governor may at his discretion disband the volunteer reserve enrolled under this Ordinance, or any part thereof, or remove therefrom any member. Provided that the whole or part so disbanded, or the member removed, shall remain subject to the liabilities, if any, imposed upon such as shall be disbanded or removed by any regulations to be made under section 17.

Governor may call out the volunteer reserve.

12 (1) The Governor may call out the volunteer reserve or any part thereof in case of imminent national danger from without, or in case of internal rebellion or insurrection, and when it is so called out it shall be placed and be liable to act under the orders of the senior officer in command of Her Majesty's troops in this colony.

Every member to report himself when summoned.

(2) Every member so called out shall, within seventy-two hours of the receipt of a summons from the officer in command at the headquarters of the reserve district within which such member may reside, report himself at such headquarters.

Form of summons, and how served.

(3) Every such summons shall be substantially in the form C in the schedule hereto, and shall be sent by a special messenger or by registered letter through the post addressed to such member, and if so sent by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post.

Proof of service.

(4) In proving such service by post, it shall be sufficient to prove that the letter was properly addressed and registered at the post office.

Volunteer Reserve.

13 Every member of the volunteer reserve reporting himself as required by section 12 shall be attached to, and shall form part of, the corps of the Ceylon volunteers until he shall be relieved from service by order in writing under the hand of the commanding officer, when he shall revert to, and become a member of, the volunteer reserve.

Members reporting themselves to serve as part of corps of Ceylon volunteers.

14 All members of the volunteer reserve, so long as they shall be attached to, and shall form part of, any corps of Ceylon volunteers, shall have all such powers, protections, and privileges, and be liable to all such duties, responsibilities, and penalties as by law volunteers have and are liable to in Ceylon.

When so serving to be subject to the law applicable to Ceylon volunteers.

15 The following shall be reserve districts and the headquarters thereof for the purposes of this Ordinance :

Reserve districts and headquarters.

No. 1 Reserve District, Headquarters, Colombo	For members residing in	Western and Sabaragamuwa Provinces.
No. 2 Reserve District, Headquarters, Kandy	do.	Central, Uva, Northern, North-Central, and Eastern Provinces.
No. 3 Reserve District, Headquarters, Kurunégala	do.	North-Western Province.
No. 4 Reserve District, Headquarters, Galle	do.	Southern Province.

16 Every person who shall produce a certificate in writing signed by the adjutant as having been enrolled as a member of the volunteer reserve, and as having conformed himself to the requirements of this Ordinance and of any regulations made under section 17, shall be exempted from the liability to labour imposed by section 49 of Ordinance No. 10 of 1861, and from any tax payable in labour or in money in commutation of such labour.

Exemption from tax payable in labour or in money in commutation thereof.

17 (1) The Governor, with the advice of the Executive Council, may from time to time make and, when made, amend or revoke regulations for the admission and enrolment, as also the government and discipline, of the volunteer reserve, and may in and by such regulations impose a penalty not exceeding ten rupees for every breach thereof.

(2) All such regulations so made or amended shall be published in the *Government Gazette*, and when so published shall have the full force and effect of law.

Rules affecting admission, enrolment, government, and discipline of the volunteer reserve.

SCHEDULE A.

(*Place*) ———, ———, 18 —.

I hereby certify that ———, No. —— of the Volunteer Reserve, residing at ———, in No. —— Reserve District, has been continuously stationed during the last six months at ———, outside a radius of ten miles from ———, being the headquarters of such district; that he has had no opportunity of attending drills or musketry training, and that to the best of my belief he is within the prescribed limits of age, and physically fit for military service.

———

(*Signature of Employer or Head of Department.*)

SCHEDULE B.

I, ———, No. —— of the Volunteer Reserve, residing at ———, in No. —— Reserve District, do swear (*or* solemnly, sincerely, and truly declare and affirm) that I have been continuously stationed during the last six months at ———, outside a radius of ten miles from ———, being the headquarters of such district; that I have had no opportunity of attending drills or musketry training, and that I am within the prescribed limits of age, and physically fit for military service.

Sworn (*or* affirmed)
this ——— day of ———, 18 —. *Signature* ———.

Before me, ———,
Justice of the Peace.

SCHEDULE C.

No. —— Reserve District Headquarters.
(*Place*) ———, ———, 18 —.

No. —— (*give rank and name*) of the Volunteer Reserve.

You are hereby summoned to report yourself at the above-named headquarters within seventy-two hours of receiving this summons.

(*Name*) ———
(*Rank*) ———
Commanding No. —— Reserve District.

19th November, 1890.

No. 17 of 1890.

An Ordinance relating to Volunteers.

(*See No. 3 of 1861 and No. 9 of 1881.*)

Preamble.

WHEREAS it is expedient to provide for the better protection of the arms, accoutrements, and uniform which are from time to time issued to volunteers, and to empower the officers and volunteers belonging to a volunteer corps to make and enforce rules for the purposes hereinafter mentioned: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Purposes for which rules may be made.

1 It shall be lawful for the officers and volunteers belonging to a volunteer corps—

(1) To make, and when made to alter and repeal, rules—

(*a*) To prevent the negligent or improper custody, handling, or use by any volunteer of any arms, accoutrements, or uniform;

(*b*) To prevent the using or wearing of any arms, accoutrements, or uniform by any volunteer, except when he is engaged in or about the performance of his duties;

(*c*) To provide against a volunteer loading a rifle contrary to orders, or firing out of turn, or discharging a rifle accidentally, or pointing a rifle, loaded or unloaded, or a bayonet or sword bayonet, at any person without lawful orders;

(*d*) To provide for the assessment of any loss or damage caused by any act or acts mentioned in (*a*) or (*b*).

(2) To impose, by any rules made under this section or under section 3 of the Ordinance No. 9 of 1881, such reasonable fines as they think fit, not exceeding ten rupees, for breaches of such rules.

Rules how enforced.

2 The enactments of section 3 and section 4 of the Ordinance No. 9 of 1881, which apply to rules made under the former section, shall govern in every respect the rules made under section 1 of this Ordinance.

Rules governed by Ordinance No. 9 of 1881.

3 In section 34 of the Ordinance No. 3 of 1861 the word "fine" shall be substituted for the word "penalty" and for the words "pecuniary penalty," and the said section shall be read and construed accordingly.

Section 34 of Ordinance No. 3 of 1861 amended.

4 Any sum assessed against, or any fine imposed upon, any volunteer under this Ordinance shall be entered in a book kept for that purpose by direction of the commanding officer, and shall be recovered through the police court in the manner provided in section 34 of the Ordinance No. 3 of 1861, as herein amended, in respect of any sum in the said section mentioned ; and all such assessments and fines shall be paid into, and shall form part of, the general volunteer fund.

Assessments and fines how recovered and appropriated.

5 This Ordinance, so far as is consistent with the tenor thereof, shall be read as one with the Ordinances No. 3 of 1861 and No. 9 of 1881.

To be read with Ordinances No. 3 of 1861 and No. 9 of 1881.

19th November, 1890.

No. 18 of 1890.

An Ordinance relating to Chanks.

WHEREAS it is expedient to amend the laws relating to chanks and to prohibit the diving for, and collecting of, chanks, bêche-de-mer, coral, or shells in the seas between Mannár and Chilaw : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

1 This Ordinance may be cited for all purposes as "The Chanks Ordinance, 1890," and it shall come into operation at such time as the Governor in Executive Council shall, by Proclamation in the *Government Gazette*, appoint.*

Short title and date of operation.

2 The Ordinance No. 4 of 1842, intituled "An Ordinance for the protection of Her Majesty's rights in the digging for Dead Chanks," and the Ordinance No. 5 of 1842, intituled "An Ordinance for the protection of Her Majesty's Chank Fishery," are hereby repealed, but such repeal shall

Repeal.

* Proclaimed the 30th day of June, 1891.

not affect the past operation of either of the said enactments, or anything duly done or suffered, or any obligation, or liability, or penalty accrued or incurred under them or either of them.

Where any unrepealed Ordinance incorporates or refers to any provision of any Ordinance hereby repealed, such unrepealed Ordinance shall be deemed to incorporate or refer to the corresponding provision of this Ordinance.

Definitions.

3 In this Ordinance, unless the context otherwise requires—

"Chanks" includes both live and dead chanks.

"Person" includes any company or association or body of persons whether incorporated or not.

Duty on chanks.

4 (1) There shall be levied and paid on all chanks entered for exportation a royalty at such rates not exceeding one cent on each chank, as the Governor, with the advice of the Executive Council, shall, from time to time by notification in the *Government Gazette*, appoint.

Ports of entry.

(2) No chanks shall be exported save and except from any port mentioned in the schedule A hereto, or from any other port which the Governor in Executive Council may appoint by notification in the *Government Gazette*.

Bill of entry.

5 (1) The person entering outwards any chanks to be exported from any port shall deliver to the collector a bill of the entry thereof, expressing the name of the ship and of the master, and of the place to which the chanks are to be exported, and of the person in whose name the chanks are to be entered, together with the number and value thereof, anything in the Ordinance No. 17 of 1869 to the contrary notwithstanding, and shall at the same time pay to the collector any sum which may be due as royalty upon the exportation of such chanks.

Collector's warrant.

(2) Such person shall also deliver at the same time one or more copies of such entry, and the particulars to be contained in such entry shall be written and arranged in such form and manner, and the number of such copies shall be such as the collector shall require, and such entry being duly signed by the collector shall be the warrant for examination and shipment of such chanks.

Penalty for exporting contrary to the Ordinance.

6 Every person who shall export chanks from this island except from any port mentioned in schedule A, or from any port appointed by the Governor in Executive Council under section 4, or contrary to the requirements of section 5, shall be guilty of an offence punishable with simple or rigorous imprisonment for a period not exceeding six months, or with a fine not exceeding one hundred rupees, or with both.

Chanks laden before entry liable to be forfeited.

7 If any chanks subject to the payment of any sums due as royalty in respect of exportation shall be laden or water-borne to be laden on board any ship before due entry shall have been made and warrant granted, or before such chanks

shall have been duly cleared for shipment, or if such chanks shall not agree with the bill of entry, the same shall be liable to forfeiture together with the package in which they are contained.

8 It shall not be lawful for any person to use any dredge or other apparatus of a like nature for the purpose of fishing for or collecting chanks, and every person using any dredge or other apparatus of a like nature for such purpose shall be guilty of an offence punishable with simple or rigorous imprisonment for a period not exceeding six months, or with fine not exceeding one hundred rupees, or with both; and every dredge or apparatus of a like nature so used as aforesaid shall be forfeited.

Use of dredge in collecting chanks prohibited.

Penalties.

9 It shall not be lawful for any person to fish for, dive for, or collect chanks, bêche-de-mer, coral, or shells in the seas within the limits defined in schedule B hereto, and every person who shall fish for, dive for, or collect, or who shall use or employ any boat, canoe, raft, or vessel in the collection of chanks, bêche-de-mer, coral, or shells in the said seas, shall be guilty of an offence punishable with simple or rigorous imprisonment for a period not exceeding six months, or with fine not exceeding one hundred rupees, or with both; and every boat, canoe, raft, or vessel so employed as aforesaid, together with all chanks, bêche-de-mer, coral, or shells unlawfully collected, shall be forfeited.

Collection of chanks, bêche-de-mer, coral, or shells in the seas between Mannár and Chilaw prohibited.

Penalties.

Provided that nothing in this section contained shall prevent any person from collecting coral or shells from any portion of the said seas in which the water is of the depth of one fathom or less.

Proviso.

Provided also that it shall be lawful for the Governor in Executive Council from time to time or at any time, by notification in the *Government Gazette*, to alter the limits defined in schedule B hereto, or exempt any portion or portions of the seas within the said limits from the operation of this Ordinance.

Proviso.

10 (1) Any chank, bêche-de-mer, coral, shell, boat, canoe, raft, vessel, dredge, or apparatus liable to forfeiture under this Ordinance may be seized by any officer of the customs or police, or by any headman, or by any person appointed for that purpose in writing by the government agent of the province or the assistant government agent of the district within which such seizure is made, and when seized shall be conveyed to the custom-house nearest to the place of seizure, and there detained until the court having jurisdiction in the matter has determined whether the same shall or shall not be forfeited.

Chanks, &c., liable to forfeiture may be seized and detained at the nearest custom-house.

(2) If any such officer, headman, or person shall neglect to have any chank, bêche-de-mer, coral, shell, boat, canoe, raft, vessel, dredge, or apparatus seized by him conveyed to such custom-house within a reasonable time, he shall be guilty of an offence and liable to a fine of one hundred rupees.

Penalty of seizing officer neglecting to convey seizure to custom-house with a reasonable time.

Police court to have jurisdiction.

11 (1) Every prosecution under this Ordinance may be instituted in the police court of the division in which the offence was committed or where the offender is found, and such court may by its order declare and adjudge any chank, bêche-de-mer, coral, shell, boat, canoe, raft, vessel, dredge, or apparatus seized and detained under this Ordinance to be forfeited, and such forfeiture may be in addition to any other punishment hereinbefore prescribed, anything in the Criminal Procedure Code to the contrary notwithstanding.

(2) All forfeitures may be sold or otherwise disposed of in such manner as the police court may direct.

Informer's share.

12 It shall be lawful for the court imposing a fine under this Ordinance to award to the informer any share not exceeding a moiety of so much of the fine as is actually recovered and realized.

SCHEDULE A.

Kankésanturai	Kayts	Jaffna	Pésálai

SCHEDULE B.

Eastward of a straight line drawn from a point six miles westward of Talaimannár to a point six miles westward from the shore two miles south of Talaivilla.

25th November, 1890.

No. 20 of 1890.

An Ordinance to repeal "The Gemming Ordinance, 1882."

Preamble.

WHEREAS it is expedient to repeal the Ordinance hereinafter mentioned: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Repeal of Ordinance No. 7 of 1882.

1 The Ordinance specified in the schedule hereto is hereby repealed to the extent specified in the third column of that schedule.

SCHEDULE.

No. and Year.	Title.	Extent of Repeal.
7 of 1882 ...	An Ordinance to prevent unlicensed Gemming upon Crown Lands	The whole Ordinance

4th December, 1890.

No. 21 of 1890.

An Ordinance to provide for the Naturalization of Aliens.

Preamble.

WHEREAS by "The Naturalization Act, 1870," being an Imperial Statute passed in the thirty-third year of the reign of Her present Majesty, it is enacted that all Laws, Statutes, and Ordinances which may be duly made by the Legislature of any British possession for imparting to any person the privileges, or any of the privileges, of naturalization to be enjoyed by such person within the limits of such possession, shall within such limits have the authority of law, but shall be subject to be confirmed or disallowed by Her Majesty in the same manner and subject to the same rules in and subject to which Her Majesty has power to confirm or disallow any other Laws, Statutes, or Ordinances in that possession : And whereas it is expedient to provide for the naturalization of aliens resident in this colony : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Application for naturalization should be in writing and accompanied by an affidavit.

1 (1) Any person whilst actually residing in the colony may apply to the Governor in Executive Council that the privileges of naturalization may be conferred on him.

(2) Such application shall state the applicant's age, place of birth, place of residence, profession, trade or occupation, the length of time during which he has resided within the colony, that he is permanently settled in the colony, or is residing within the same with intent to settle therein.

(3) Such application shall be in writing and signed by the applicant, and shall be accompanied by an affidavit sworn by him verifying the truth of the statements contained in the application.

The Governor in Executive Council may call for further evidence;

2 The Governor in Executive Council may require such further information and evidence, by affidavit or otherwise, as to him may seem proper, in addition to the affidavit accompanying the application.

and may grant or refuse the application.

3 The Governor in Executive Council, if satisfied with the evidence adduced, shall take the case of the applicant into consideration, and may, with or without assigning any reason, grant or refuse such application, as he thinks most conducive to the public good, and no appeal shall lie from his decision.

Applicant to take the oath of allegiance.

4 (1) If such application is granted, the Colonial Secretary shall, by notice in writing under his hand, require the applicant, within thirty days from the date of such notice, to take the oath of allegiance substantially in the form contained in the schedule hereto.

(2) Such oath may be administered by any police magistrate or justice of the peace within the limits of his jurisdiction, and the person who shall administer the

oath shall grant to the applicant a certificate in writing of his having taken and subscribed such oath, and of the date of his taking and subscribing the same, and shall forward to the Colonial Secretary the oath so taken and subscribed, together with a duplicate of such certificate, which oath and duplicate certificate shall be filed and kept with the application, and the evidence relating thereto, in the Colonial Secretary's office.

Letters patent may be issued for naturalization.

5 (1) It shall be lawful for the Governor, upon the production of such certificate as aforesaid, and upon being satisfied that the applicant has duly taken the prescribed oath within the period specified in section 4, to issue letters patent under the seal of the colony granting to the applicant all the rights and privileges of a British subject, and thereupon the applicant shall, within the limits of the colony, be entitled to all political and other rights, powers, and privileges, and be subject to all obligations to which a natural-born British subject is entitled or subject.

(2) Such letters patent shall bear a stamp of one hundred rupees, to be supplied by the applicant, and shall be enrolled for safe custody in the Supreme Court of the colony.

Letters patent may be cancelled.

6 If any material statement contained in any application made under section 1 or any material portion of the evidence adduced in support of such application shall be false, the Governor in Executive Council may, by an order in writing, cancel the letters patent issued upon such application, and from and after the date of such order all the rights, powers, and privileges derived through such letters patent shall altogether cease.

Publication in the *Government Gazette.*

7 All letters patent issued under this Ordinance and all orders cancelling the same shall be published in the *Government Gazette.*

Short title.

8 This Ordinance may be cited as "The Naturalization Ordinance, 1890."

SCHEDULE.

I, ———, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law. So help me GOD.

5th December, 1890.

No. 22 of 1890.

An Ordinance to amend "The Criminal Procedure Code, 1883."

(*See No. 3 of 1883.*)

WHEREAS it is expedient to amend in some respects "The Criminal Procedure Code, 1883:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 For section 17 of the said Code the following section shall be substituted, namely:

Section 17.

(1) A district or police court may award such term of imprisonment in default of payment of a fine as is authorized by law in case of such default. Provided that the term is not in excess of the court's powers under this Code.

Power of district or police courts to sentence to imprisonment in default of payment of fine.

(2) If no term of imprisonment in case of default of payment of a fine is specified in any Ordinance in respect of an offence which is punishable by fine only, a district or police court may direct the offender to be imprisoned in accordance with the provisions of section 63 of the Ceylon Penal Code.

(3) In no case decided by a district or police court, where imprisonment has been awarded as part of the substantive sentence, shall the period of imprisonment awarded in default of payment of the fine exceed one-fourth of the period of imprisonment which such court is competent to inflict as punishment for the offence, otherwise than as imprisonment in default of payment of the fine.

(4) The imprisonment awarded under this section may be in addition to a substantive sentence of imprisonment for the maximum term awardable by the court under section 15 or 16.

2 For section 82 of the said Code the following section shall be substituted, namely:

Section 82, as to search.

(1) The officer or other person executing the search warrant shall make a list of all things seized in the course of the search, and of the places in which they are respectively found, and shall sign such list.

Officer to make list of things seized.

(2) The occupant of the place searched, or some person on his behalf, shall in every instance be permitted to attend during the search, and a copy of the list prepared under this section, signed by the person executing the warrant, shall be delivered to such occupant or person at his request.

Occupant of place searched may attend.

3 For section 156 of the said Code the following section shall be substituted, namely:

Section 156, as to examination of complainant. Complainant to be examined.

In cases falling under heads (1), (3), and (4) of section 152, the police court shall commence the inquiry by examining the complainant, or informant, or other person or persons professing to be able to speak to the material facts of the case.

In the absence of complainant accused may be discharged.

4 After section 165 of the said Code the following section shall be added and numbered 165 (*a*), namely :

If upon any day fixed for the hearing of a case instituted under this chapter upon complaint, the complainant is absent, and the offence is one that may be lawfully compounded, the police magistrate may in his discretion, notwithstanding anything hereinafter contained, at any time before the charge has been framed, discharge the accused.

Section 168, as to discharge.

5 For section 168 of the said Code the following section shall be substituted, namely :

When accused to be discharged.

(1) When the evidence referred to in section 164, paragraphs (*a*) and (*b*), has been taken, such police magistrate shall, if he finds there are not sufficient grounds for committing the accused for trial, discharge him.

(2) Nothing in this section shall be deemed to prevent a police magistrate from discharging the accused at any previous stage of the case, if for reasons to be recorded by such police magistrate he considers the charge to be groundless.

Explanation.—A discharge under this section is not equivalent to an acquittal, and does not bar the revival of a prosecution for the same offence.

Section 183, as to record of inquiry.

6 After section 182 of the said Code the following section shall be inserted and numbered 183, namely :

Record of inquiry under chapters XVI. and XIX.

In proceedings under this chapter or chapter XIX., the police magistrate shall, if he commits the accused for trial, file, as part of the record of the inquiry, (*a*) the list or lists of witnesses given by the accused ; (*b*) the list or lists of witnesses bound over, or in custody, to appear ; (*c*) a copy of the warrant of committal. And he shall record or cause to be recorded (*a*) a brief statement of his reasons for committal; (*b*) whether the accused is on bail or in custody ; and every record of an inquiry shall be certified under the hand of such police magistrate.

Chapter XIX., as to cases summarily triable by police court.

7 For chapter XIX. of the said Code the following chapter shall be substituted, namely :

CHAPTER XIX.

The Trial of Cases where a Police Court has power to try Summarily.

Procedure to be observed.

215 The following procedure shall be observed by the police magistrate in all cases falling under—

(*a*) Heads (2) and (5) of section 152, in which the offence is one triable summarily by the police court;

(*b*) Heads (1), (3), and (4) of section 152, where it shall appear, after the examination required by section 156, that the offence is one which the police court has jurisdiction to try summarily : and

(*c*) Heads (1), (2), (3), (4), and (5) of section 152, in which the offence is one not triable summarily by the police court, but is one within the jurisdiction of the district court, and the police magistrate is of opinion that the same may be sufficiently dealt with and disposed of by the police court summarily, and the accused consents to the same being tried by the said court in manner provided in section 219.

When accused is not before court, or, being present, denies charge, magistrate to appoint time for trial.

216 If the accused, being before the police court, upon being asked if he has any cause to show why he should not be convicted as provided by section 219, does not admit that he has committed the offence, or if the accused is not before the police court, the police magistrate shall appoint a time for the appearance of the accused and the trial and hearing of the complaint, and shall ascertain, from the complainant or accused if present, or otherwise, the names of any persons likely to be acquainted with the facts of the case, and to be able to give evidence for the prosecution or defence, and shall summon to give evidence before the police court such of them as he thinks necessary.

Summons or warrant should be issued.

217 (1) If the accused is not before the police court, and the case is one in which a summons should issue in the first instance, the police magistrate shall issue his summons for the attendance of the accused. If the case appears to be one in which a warrant should issue in the first instance, the police magistrate may issue a warrant, or, if he thinks fit, a summons, for enforcing the appearance of the accused at the time appointed before the police court.

(2) Nothing in this section shall be deemed to affect the provisions of section 65.

Personal attendance of accused may be dispensed with.

218 Whenever a police magistrate issues a summons, he may, in his discretion, dispense with the personal attendance of the accused, and permit him to appear by his pleader. But the police magistrate may, in his discretion, at any stage of the proceedings, direct the personal attendance of the accused, and enforce his attendance in manner hereinbefore provided.

Particulars of case to be stated to accused.

219 (1) When the accused appears, or is brought before the police magistrate, the particulars of the offence of which he is accused shall be stated to him, and he shall be asked if he has any cause to show why he should not be convicted; but it shall not be necessary to frame a formal charge.

Magistrate may try accused by consent.

(2) If the offence is one over which a police court does not have summary jurisdiction, but is one within the jurisdiction of the district court, and the police magistrate is of opinion that the same may be sufficiently dealt with and disposed of by the police court summarily, he shall explain to the accused the particulars of the offence, and say to him these words, or words to the like effect:

"Do you consent that you shall be tried by this court summarily, or do you desire to be tried by a superior court?"

Consent to be recorded.

(3) If the accused consents to being summarily tried, such consent shall be recorded, and he shall be asked if he has any cause to show why he should not be convicted, and the case shall be proceeded with in manner hereinafter provided in this chapter. If he does not consent, then the police magistrate shall proceed with the case as is provided in chapter XVI.

Admission of offence by accused.

220 If the case is one summarily triable by the police court, or if the accused consents to the case being summarily tried by the police court in manner hereinbefore provided, and the accused, upon being asked if he has any cause to show why he should not be convicted as provided by section 219, admits that he has committed the offence of which he is accused, his admission shall be recorded as nearly as possible in the words used by him; and if he shows no sufficient cause why he should not be convicted, the magistrate shall convict him accordingly, and pass sentence upon him according to law, and shall record the finding and sentence.

If accused does not admit offence magistrate shall proceed with inquiry.

Accused may cross-examine witnesses for prosecution.

221 If the accused does not make such admission, the police magistrate shall proceed to hear the complainant (if any), and take all such evidence as may be produced in support of the prosecution, and also to hear the accused and take all such evidence as he produces in his defence. The accused shall be permitted to cross-examine any witness examined against him, and the prosecutor or complainant may re-examine any witness who may have been cross-examined.

Magistrate may issue process for compelling attendance of witnesses. Expenses of witnesses.

222 The police magistrate may, if he thinks fit, on the application at any time of the complainant or accused, issue process to compel the attendance of any witness, or the production of any document or other thing. The police magistrate may, before summoning any witness on such application, require that his reasonable expenses incurred for the purposes of attending the trial be deposited in court.

Acquittal.

Sentence.

223 If the police magistrate, upon taking the evidence referred to in section 221, and such further evidence (if any) as he may, of his own motion, cause to be produced, and (if he thinks fit) examining the accused, finds the accused not guilty, he shall record an order of acquittal. If he finds the accused guilty, he shall pass sentence upon him according to law.

Power to police magistrate to acquit accused at any time if he considers complaint to be groundless.

224 Nothing in the preceding section contained shall be deemed to prevent a police magistrate from acquitting the accused at any previous stage of the case, if, for reasons to be recorded by him, he considers the complaint to be groundless.

Commitment for trial before superior court.

225 (1) In cases falling under the heads (*a*) and (*b*) of section 215, if the police magistrate, after taking the evidence adduced for the prosecution and the defence, is of opinion that the offence cannot be adequately punished by

the police court, and that there is sufficient evidence on which the accused may be committed for trial before a superior court, the police magistrate may refrain from passing sentence on the accused, and shall forward the proceedings taken in the case to the Attorney-General.

(2) The Attorney-General may, in his discretion, frame a charge in writing, which shall be filed with the record, and a copy of which shall be served on the accused, and instruct the magistrate as to the court to which the case shall be committed for trial.

(3) The police magistrate shall thereupon commit for trial the accused upon the charge so framed as aforesaid to the court named for the purpose by the Attorney-General, and to no other.

Conviction not limited to complaint or information.

226 (1) A police magistrate may convict an accused of any offence over which a police court has summary jurisdiction, which, from the facts admitted or proved, he appears to have committed, whatever may be the nature of the complaint or information.

(2) The police magistrate, before he so convicts an accused as aforesaid, shall frame a charge in writing, and shall read and explain the same to the accused; and such of the provisions of chapter XVIII. as relate to altered charges shall apply to a charge framed under this section.

Magistrate to state reasons for his finding.

227 In every case summarily disposed of under this chapter, the police magistrate shall record, or cause to be recorded, a brief statement of the reasons for his finding; and he shall certify under his hand as such police magistrate the record of every such case.

Accused may be acquitted in the absence of complainant.

228 If the summons has been issued on complaint, and upon the day appointed for the appearance of the accused, or any day subsequent thereto to which the hearing may be adjourned, the complainant does not appear, the police magistrate shall, notwithstanding anything hereinbefore contained, acquit the accused, unless for some reason he thinks proper to adjourn the hearing of the case to some other day.

Withdrawal of charge by complainant.

229 If a complainant, at any time before a final order is passed in any case under this chapter, satisfies the police magistrate that there are sufficient grounds for permitting him to withdraw his complaint, the police magistrate may permit him to withdraw the same, and shall thereupon acquit the accused.

Accused may be discharged by magistrate with sanction of Attorney-General.

230 In any case instituted under this chapter otherwise than upon a complaint, a police magistrate may, with the previous sanction of the Attorney-General, for reasons to be recorded by the magistrate, stop the proceedings at any stage without pronouncing any judgment, either of acquittal or conviction, and may thereupon discharge the accused.

Where accused tried by consent, police court to have jurisdiction to impose double ordinary sentence.

231 In any case in which the offence is one triable summarily by the police court with the consent of the accused as provided in section 219, the police court shall have jurisdiction, upon the conviction of the offender, to impose on him any sentence not exceeding double the maximum sentence which a police court may pass under section 16.

How statement of accused to be recorded.

232 When an accused person in any proceedings under this chapter makes a statement only, or makes a statement and is examined thereon as is provided by section 352, the substance of such statement or statement and examination shall be recorded, and shall be shown or read and interpreted to him in a language he understands, and he shall be at liberty to explain or add to his statement or answers.

Statement to be signed by magistrate.

233 Such statement or statement and examination shall be signed by the police magistrate, but it shall not be necessary for the police magistrate to attach any certificate to the same.

How confession of accused to be recorded.

234 When an accused person in the course of any proceedings under this chapter makes any confession, the police magistrate shall record the same in such manner as is in this Code prescribed for recording evidence, and the confession so recorded shall be shown or read and interpreted to the accused, and shall be signed by the police magistrate, and it shall not be necessary for the police magistrate to attach any certificate to the same.

Statement and confession may be given in evidence.

235 The statement or confession of an accused taken and recorded by a police magistrate under the provisions of sections 232, 233, and 234, may be given in evidence without further proof in any subsequent judicial proceedings, or in any later stage of the same judicial proceedings, anything in this Code to the contrary notwithstanding.

Frivolous or vexatious complaints.

236 (1) If in any case instituted on complaint a police magistrate acquits the accused under section 223, and is of opinion that the complaint was frivolous or vexatious, he may, in his discretion, by his order of acquittal, direct the complainant to pay to the accused, or to each of the accused when there are more than one, such compensation, not exceeding ten rupees, as the police magistrate shall think fit.

Recovery of compensation.

(2) The sum so awarded shall be recoverable as if it were a fine. Provided that, if it cannot be realized, the imprisonment to be awarded shall be simple, and for such term not exceeding thirty days as the police magistrate directs at the time of awarding compensation. In any subsequent civil suit relating to the same matter, the court shall take into account any sum paid or recovered as compensation under this section.

(3) If in any case inquired into or tried before a police magistrate under this chapter the complaint be not proceeded with within such time as the police magistrate may deem reasonable, or, if the complaint is declared by the magistrate to have been frivolous or vexatious, it shall be lawful for such police magistrate to make an order for the complainant to pay by way of Crown costs a sum not exceeding five rupees, such sum to be recovered as if it were a fine; and against such order there shall be no appeal; and if any sum which a complainant is awarded to pay by way of Crown costs cannot be recovered, it shall be lawful for the police magistrate to sentence such complainant to simple imprisonment for any period not exceeding fourteen days.

Crown costs.

237 In any case in which a police magistrate has committed the accused for trial before a superior court under the provisions of section 225, he shall and may perform or exercise all or any of the duties, powers, acts, matters, or things which such police magistrate, if acting under chapter XVI., might perform or exercise after commitment under that chapter.

Police magistrate committing under this chapter to have same powers as if he had acted under chapter XVI.

(*a*) The Attorney-General may exercise, in respect of any case forwarded to him under the provisions of section 225, all or any of the powers conferred on him by chapters XVI. and XX.

Powers of Attorney-General.

(*b*) Sections 368, 369, 370, and 473 shall not apply to statements or confessions taken and recorded by a police magistrate in proceedings carried on under the provisions of this chapter.

Sections 368, 369, 370, and 473 shall not apply to statements and confessions taken under this chapter.

238 In any trial before a police court, if at any stage of the proceedings the evidence shows that an offence has been committed which is not triable summarily, or which cannot be sufficiently dealt with and disposed of by the police court notwithstanding the consent of the accused, the police court shall not be at liberty to disregard material parts of the evidence and convict for a lesser offence and so withdraw the case from the proper tribunal, but it shall be the duty of such court to stop further proceedings under this chapter and to proceed under chapter XVI.

Police court cannot convict for lesser offence and so withdraw case from a superior court.

8 In section 242 of the said Code the words "to the Attorney-General" shall be substituted for "to the court."

Section 242 amended

9 Section 322 of the said Code shall be taken and read as though the following words were inserted at the end thereof:

Section 322 amended.

Exemptions from service as jurors.

The clerks of the Executive and Legislative Councils.

The presidents of village tribunals.

All persons employed in the postal and telegraph department, or in the railway department, or in any police court.

All municipal councillors and members of local boards of health and improvement.

Power of Governor to exempt certain persons from service for specified periods.

10 (1) In any district in which it shall appear to the Governor in Executive Council that sufficient panels of jurymen can be secured from any one of the three lists numbered (1), (2), and (3) respectively in section 323 of the said Code, it shall be lawful for him, by Proclamation in the *Government Gazette*, to order that no person whose name shall be included in such list shall be liable, save and except under the provision contained in the second proviso to section 289 of the said Code, to serve as a juror at any criminal sessions of the Supreme Court more than once in such period as shall be defined in such Proclamation, anything in the said Code to the contrary notwithstanding.

(2) The Governor in Executive Council may amend or revoke such Proclamation, but no such amendment or revocation shall take effect until the same is duly proclaimed in the *Government Gazette*.

Section 355 amended.

11 In section 355 of the said Code "315" shall be substituted for "317."

Section 358 amended.

12 Section 358 of the said Code shall be taken and read as though the following proviso were inserted at the end thereof:

Deposition of witness taken in absence of accused to be read over to him.

Provided that if the evidence of any witness shall have been taken in the absence of the accused, whose attendance has not been dispensed with, such evidence shall be read over to the accused in the presence of such witness, and the accused shall have a full opportunity allowed him of cross-examining such witness thereon.

Section 455 as to bail.

13 For section 455 of the said Code the following section shall be substituted, namely:

When bail may be taken in case of non-bailable offence.

(1) When any person accused of any non-bailable offence is arrested or detained without warrant, or appears, or is brought before a court, he may be released on bail at the discretion of the court, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of the offence of which he is accused.

Power to direct admission to bail or reduction of bail.

(2) If it appears to the court at any stage of the inquiry or trial, as the case may be, that there are not reasonable grounds for believing that the accused has committed such offence, but that there are sufficient grounds for further inquiry into his guilt, the accused shall, pending such inquiry, be released on bail, or at the discretion of the court on the execution by him of a bond without sureties for his appearance as hereinafter provided.

Accused committed for trial for non-bailable offence other than offences under section 114, 191, 295, 296, or 297.

(3) When any person has been committed for trial by a police magistrate for any non-bailable offence other than an offence under section 114, 191, 295, 296, or 297 of the Ceylon Penal Code, the police magistrate may, in his discretion, release the accused on bail. Any person charged under section 114, 191, 295, 296, or 297 of the Ceylon Penal Code may be admitted to bail, by order of the Supreme Court, or by the authority of the Attorney-General.

(4) Any court may, at any subsequent stage of any proceeding under this Code, cause any person who has been released under this section to be arrested, and may commit him to custody.

Court may re-arrest person bailed.

14 In section 473 of the said Code the following words shall be inserted at the end of paragraph (*g*) of the second proviso to the said section, and the said section shall take effect and be construed accordingly :

Section 473 amended.

"the witness, whether such deposition was made in his presence or not."

Deposition taken in absence of accused receivable in evidence.

15 In section 476 of the said Code the words "or immovable" shall be inserted after the word "movable" in the second and third paragraphs thereof, and the said section shall be read and construed accordingly.

Section 476 amended.

16 In the fourth column of schedule II. to the said Code the word "warrant" shall be substituted for the word "same" as applying to sections 315, 316, and 317 of the Ceylon Penal Code, and in the seventh column of the said schedule the words "district court" shall be inserted as applying to the whole of section 380 (including robbery "if committed on the highway between sunset and sunrise") and to section 457 of the Ceylon Penal Code, and the said schedule shall be read and construed accordingly.

Schedule II amended.

District court may try offences under sections 380 and 457 of Ceylon Penal Code.

17 All voluntary statements or confessions made by an accused, and all questions put to, and answers given by, an accused in examination by a police magistrate under section 16 of the Ordinance No. 1 of 1888, in the course of a proceeding under chapter XIX., may be recorded and signed in manner provided in sections 232, 233, and 234, without any certificate being attached thereto, anything in sections 15 and 16 of Ordinance No. 1 of 1888 to the contrary notwithstanding.

Voluntary statements or examination in proceedings under chapter XIX. to be recorded in manner provided under sections 232, 233, and 234.

18 The Ordinance No. 5 of 1886, intituled "An Ordinance to amend 'The Criminal Procedure Code, 1883,'" is hereby repealed.

Repealing clause.

19 This Ordinance, which may be cited as "The Criminal Procedure Code Amendment Ordinance, 1890," and Ordinance No. 3 of 1883, intituled "The Criminal Procedure Code, 1883," shall be read together as one Ordinance.

To be read as one with "Criminal Procedure Code, 1883.'

11th December, 1890.

No. 24 of 1890.

An Ordinance relating to Prisons.

(*See No. 16 of 1877.*)

Preamble

WHEREAS it is expedient to amend "The Prisons Ordinance, 1877," hereinafter referred to as "the principal Ordinance:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Ordinance No. 16 of 1877, section 5. amended.

1 For the proviso to section 5 of the principal Ordinance the following proviso shall be substituted, namely:

Provided always that it shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation, at any time or from time to time, to close any of the prisons mentioned in the schedule hereto, or to make any alteration in the districts or limits within which any such prisons are appointed, and also to establish any other prison or prisons for this island or for any part thereof, and any such Proclamation to revoke, alter, or amend; and every prison so established shall become subject to the provisions of this Ordinance in the same manner as if such prison had been mentioned in the schedule hereto.

Section 49 repealed.

2 Section 49 of the principal Ordinance shall be and the same is hereby repealed.

Offenders under section 59 may be arrested without warrant by prison officers.

3 It shall be lawful for any officer of a prison to arrest any person who commits an offence under section 59 of the principal Ordinance, or who abets another in committing such offence, and forthwith to make over the person so arrested to the nearest police officer, or to produce him before the nearest police magistrate, to be dealt with according to law.

Section 65 amended.

4 In section 65 of the principal Ordinance, after the word "superintendent" shall be inserted the words "or in his absence a visitor," and the said section shall be read and construed accordingly.

Section 66 amended.

5 In section 66 of the principal Ordinance, after the word "superintendent" shall be inserted the words "or by the visitor who shall have inflicted such punishment," and the said section shall be read and construed accordingly.

Section 67 amended.

6 In section 67 of the principal Ordinance—

(1) For the first paragraph, commencing with the words "if any prisoner is guilty" and ending with the words "to sentence the offender to be punished," the following shall be substituted, namely:

If any prisoner is guilty of repeated offences against prison discipline, or is charged with any offence against prison discipline which the superintendent, or a visitor in the absence of the superintendent, thinks is not adequately punishable under section 65, the superintendent, or in his absence such visitor, shall cause the offender to be

prosecuted before the police court of the division in which the offence was committed, with a view to his committal before a superior court, which shall, upon the conviction of the offender, have power to award such punishment as it may in its ordinary jurisdiction impose, or any two visitors shall have power to inquire upon oath or affirmation into the offence and to punish the offender:

(2) After the words "he is undergoing imprisonment" there shall be inserted the following words:

or (4) By any two of the afore-mentioned punishments.

Section 76 amended.

7 In section 76 of the principal Ordinance the following shall be inserted immediately before the proviso thereto:

(15) For regulating the powers vested, under section 72, in the jailer, superintendent, and Inspector-General of Prisons regarding the use of irons and body belts.

Governor may appoint assistant superintendent to a prison.

8 (1) The Governor may at his discretion appoint to any prison an assistant superintendent, who shall have all such powers, protections, and privileges, and be liable to all such duties and responsibilities as by law the superintendent of such prison has and is liable to.

(2) In the principal Ordinance, as amended by this Ordinance, wherever the term "superintendent" is used with reference to a prison, it shall be taken to include the assistant superintendent, if any, appointed thereto by the Governor under this section.

Removal of sick prisoners to a public hospital.

9 (1) It shall be lawful for the Inspector-General of Prisons, by writing under his hand, to direct the removal of any sick prisoner from prison to any public hospital within the same province, and such writing shall be sufficient warrant for the medical officer of such hospital to receive and detain therein such prisoner, subject to the lawful orders of the said Inspector-General.

(2) Every prisoner so received into such hospital as aforesaid, so long as he shall not be entitled to his discharge from prison in due course of law, shall continue to be subject to the provisions of the principal Ordinance and to any rules made under section 76 thereof in the same manner and in every respect as if he were within a prison.

(3) The medical officer of such hospital shall in respect of such prisoner have all such powers, and be liable to all such duties as by law the superintendent of a prison has and is liable to.

Power to the Governor to transfer youthful offenders from a prison to a reformatory or certified industrial school.

10 (1) It shall be lawful for the Governor, by writing under his hand, to order any youthful offender who may be undergoing imprisonment in any prison to be transferred from such prison to any reformatory or certified industrial school, and be there detained for any period which shall be specified in such order, provided that such offender shall not be liable to detention after he shall have attained the age of eighteen years; and a copy of such order certified by the Colonial Secretary or by an assistant colonial

secretary for the time being shall be sufficient warrant for the manager of such reformatory or certified industrial school to receive and detain such offender.

(2) The several enactments contained in sections 22 to 29, in sections 32 to 43, and in sections 46 to 50 of "The Youthful Offenders' Ordinance, 1886," shall apply in the case of every offender so transferred as aforesaid as though he were detained under the provisions of that Ordinance.

Construction of principal Ordinance.

11 The principal Ordinance shall, as from the commencement of this Ordinance, take effect subject to the provisions of this Ordinance, but nothing in this Ordinance shall affect the validity of any act done, right acquired, or liability incurred under the principal Ordinance before the commencement of this Ordinance.

Short title.

12 This Ordinance may be cited as "The Prisons Amendment Ordinance, 1890," and shall be read as one with the principal Ordinance.

11th December, 1890.

No. 26 of 1890.

An Ordinance to amend "The Municipal Councils' Ordinance, 1887."

(*See No. 7 of 1887.*)

Preamble.

WHEREAS it is expedient to amend "The Municipal Councils' Ordinance, 1887," hereinafter referred to as "the principal Ordinance:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Section 3 amended.

1 For the definition of "market" in section 3 of the principal Ordinance the following shall be substituted, namely:

Public market.

"Public market" means any place which has heretofore been a public market under Ordinance 17 of 1865, or which may hereafter be declared to be a public market by the chairman with the concurrence of the standing committee.

Private market.

"Private market" means any place (not being a public market) ordinarily used for the sale of animals, or of meat, fish, fruit, vegetables, or other perishable articles of food for human consumption.

Amendment of section 11.

2 In section 11 of the principal Ordinance, for sub-section (*c*) the following shall be substituted, namely: "(*c*) Reside within the municipality;" and there shall be inserted between sub-section (*d*) and sub-section (*e*) the words "He must also."

Resignation of nominated members

3 In section 36 of the principal Ordinance the words "or a nominated" shall be inserted after the word "elected."

4 After section 40 of the principal Ordinance the following section shall be added and numbered 40 (*a*), namely :

Period of office of nominated councillors.

The councillors nominated by the Governor under section 10 or section 24 shall cease to hold office on the thirty-first day of December of the year in which a general election of councillors is held as provided in sections 39 and 40, provided that they or any of them may be re-nominated by the Governor.

5 To section 46 of the principal Ordinance the following sub-section shall be added :

Section 46 amended.

(*f*) Contributing, with the previous sanction in writing of the Governor in Executive Council, towards the cost incurred on the occasion of any public ceremony or for purposes of public recreation or entertainment in the municipality.

6 After section 55 of the principal Ordinance the following section shall be added and numbered 55 (*a*), namely :

Governor may appoint additional municipal magistrate.

It shall be lawful for the Governor, as occasion may require, to appoint the police magistrate, or any additional police magistrate having jurisdiction in any municipal town, wherein the chairman receives a salary out of the municipal fund under section 48, to be an additional municipal magistrate for such town, and all and every the powers and jurisdiction vested in a municipal magistrate under section 55 shall be exercised by the additional municipal magistrate so appointed as aforesaid.

7 In the principal Ordinance as amended by this Ordinance, wherever the term "municipal magistrate" is used, it shall be taken to include the additional municipal magistrate appointed by the Governor under section 6.

Term "municipal magistrate" to include additional municipal magistrate.

8 In section 130 of the principal Ordinance the following words shall be added at the end of the second proviso, namely :

Section 130 amended.

or in his absence by the municipal magistrate.

9 To section 141 of the principal Ordinance the following proviso shall be added :

Section 141 amended,

Objection when to be taken to assessment.

Provided that no objection shall be entertained by any court of requests or district court unless the same is made within three months from the date of service of the notice of assessment prescribed by section 133, and after the lapse of two months from the date on which the objector furnishes a statement in writing of the specific grounds on which his objection is founded to the chairman and to the person, if any, whose property has not been assessed.

10 In section 148 of the principal Ordinance, for the word "sixty" shall be substituted the word "thirty."

Section 143 amended by substituting "thirty" for "sixty"

Section 149 amended with reference to schedule E.

11 In section 149 of the principal Ordinance the words "with such variations as the circumstances require" shall be inserted immediately after the words "in the form contained in the schedule E hereunto annexed."

Contracts for tramways.

12 After section 160 of the principal Ordinance, the following section shall be added and numbered 160 (*a*), namely :

The municipal council, with the sanction of the Governor in Executive Council, may, subject to the provisions of the Ordinance No. 5 of 1873, enter into an agreement or contract with any person or persons, corporation or company, for the purpose of granting to such person or persons, corporation or company, the right to construct, maintain, and use a tramway or tramways within the municipality, upon the terms, for the consideration, and subject to the conditions and in the manner mentioned in such agreement, so far as the same shall not be inconsistent with the provisions of the said Ordinance No. 5 of 1873.

Section 164 amended.

13 In section 164 of the principal Ordinance the words "or lease" shall be inserted after the word "sell," and the words "or the rent under such lease" shall be inserted after the word "sale."

Section 212 amended.

Any person bathing or washing animals or clothes in any public place not set apart for that purpose liable to a fine not exceeding fifty rupees.

14 For section 212 of the principal Ordinance the following shall be substituted, namely :

(1) The municipal council may set apart suitable public places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable public places for washing animals or clothes, or for any other purpose connected with the health, cleanliness, or comfort of the inhabitants of the municipality.

(2) The chairman may by public notice prohibit bathing or washing animals or clothes in any public place not so set apart, or at times or by persons other than those specified, and all other acts which may render water in public places foul or unfit for use, or may cause inconvenience or annoyance to persons using the bathing or washing places. Such notice shall be published in the English, Sinhalese, and Tamil languages in the *Government Gazette* and in two at least of the local newspapers.

(3) Any person who bathes, washes, or does any act contrary to such prohibition as aforesaid, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding fifty rupees.

Section 233 amended.

15 In section 233 of the principal Ordinance the word "chairman" shall be substituted for the words "municipal council."

Sections 234 and 235 repealed.

16 Sections 234 and 235 shall be and the same are hereby repealed.

Section 236 amended.

17 In section 236 the following words shall be inserted at the end of the proviso : "anything in section 233 to the contrary notwithstanding."

18 In section 238 the words " without a license or " shall be omitted. Section 238 amended.

19 In section 239 the words "any unlicensed private market " shall be substituted for the word "such." Section 239 amended.

20 In sections 237, 240, 242, and 243, the term " market" shall be taken to mean a private market. Interpretation of "market" in sections 237, 240, 242, and 243.

21 In section 266 of the principal Ordinance, for the words "one-twentieth" shall be substituted the words "one-fiftieth." Section 266 amended by "one-fiftieth" being substituted for "one-twentieth."

22 In schedule E to the principal Ordinance the words "eight clear days" shall be substituted for "five clear days." Schedule E amended.

23 The principal Ordinance shall, as from the commencement of this Ordinance, take effect subject to the additions, omissions, and substitutions required by this Ordinance, but nothing in this Ordinance shall affect the validity of any act done, right acquired, or liability incurred under the principal Ordinance before the commencement of this Ordinance. Construction of principal Ordinance.

24 This Ordinance may be cited as "The Municipal Councils' Amendment Ordinance, 1890," and this Ordinance and the principal Ordinance may be cited collectively as "The Municipal Councils' Ordinances, 1887 and 1890." Short title.

16th December, 1890.

No. 27 of 1890.

An Ordinance relating to Local Boards.

(See No. 7 of 1876.)

WHEREAS it is expedient to amend "The Local Board of Health and Improvement Ordinance, 1876," hereinafter referred to as "the principal Ordinance:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows: Preamble.

1 In section 4 of the principal Ordinance, after the words "exercise all the powers conferred" shall be inserted the words "and perform all the duties imposed." Ordinance No. 7 of 1876: section 4 amended.

2 In section 12 of the principal Ordinance, for the words "any elected member" shall be substituted the words "any unofficial member." Section 12 amended.

3 The unofficial members appointed by the Governor under section 14 of the principal Ordinance shall cease to hold office on the thirty-first day of December of the year in which a general election of members is held as provided in section 11 of the said Ordinance, provided that such members or any of them may, if necessary, be re-appointed by the Governor under the provisions of the first-mentioned section. Duration of office of unofficial members.

Section 25 amended.

4 In section 25 of the principal Ordinance, after the words "public health therein" shall be inserted the words "and, with the previous sanction in writing of the Governor in Executive Council, to purposes of public recreation;" and the following words shall be inserted after the words "officers and servants employed by the board:" "and the cost of watchmen or other officers, if any, employed by the board in such town in lieu of the police."

Section 31 amended.

5 In section 31 of the principal Ordinance, after the words "gravel quarries" shall be inserted the words "and all lakes and streams not being private property;" and after the words "land and quarries" shall be inserted the words "and in such lakes and streams;" and after the words "or quarries" shall be inserted the words "or to any such lakes and streams."

Section 35 amended.

6 Between sub-sections (17) and (18) of section 35 of the principal Ordinance the following shall be inserted:

(17 *a*) For levying fees for and regulating the grazing of cattle on waste and other lands not being private property;

(17 *b*) For protecting fish, game, and wild birds, and for regulating the use of firearms within the town.

Section 57 amended.

7 In section 57 of the principal Ordinance the words "in any private land" shall be substituted for the words "within any private enclosure."

The Governor may exempt any town from the police tax and withdraw the police wholly or in part.

8 The Governor, with the advice of the Executive Council, may by Proclamation in the *Government Gazette* exempt the inhabitants of any town from payment of the police tax and order the withdrawal of the whole or any part of the police force therein, and may with the like advice revoke such exemption and order of withdrawal. After such revocation the liability of the inhabitants to pay the police tax shall be revived.

Board may levy an assessment rate up to five per cent.

9 (1) In any town the inhabitants of which are so exempted as aforesaid, and from which the police force shall have been withdrawn wholly or in part, it shall be lawful for the board, and it is hereby authorized, subject to the provisions hereinafter contained, and with the sanction of the Governor in Executive Council, to levy an assessment rate on the annual value of all houses, buildings, lands, and tenements whatsoever within such town.

(2) Such rate shall endure for any period not exceeding twelve months, shall not exceed five per centum per annum on such annual value, and shall be recovered in the manner hereinafter mentioned.

Provided that all buildings appropriated exclusively to religious or educational purposes, or in charge of military sentries, shall be exempted from the payment of such rate.

Provided also that it shall be lawful for the board to exempt from payment, on the ground of poverty, the owner of any house, building, land, or tenement rateable under this Ordinance.

(3) The valuation of houses, buildings, lands, and tenements on which such assessment rate shall be levied shall be made in manner provided in the Ordinances No. 16 of 1865 and No. 7 of 1866, for the purpose of creating a fund for the maintenance of a police force in any town.

(4) The last valuation which shall have been made in any town to which the principal Ordinance applies for the purposes of the police tax prior to the date of the inhabitants of such town being exempted from the said tax shall be taken to be the first valuation for the purposes of the assessment rate.

(5) The assessment rate under this section shall be paid and recovered in the same manner as the police tax is directed to be paid and recovered under the Ordinances No. 16 of 1865, No. 7 of 1866, and No. 6 of 1873, and shall be subject in all respects to the provisions of the said Ordinances relating to the payment and recovery of such police tax. The government agent shall collect and recover the assessment rate payable under this section, and shall pay such rate over to the board.

Cost of special police protection chargeable to local fund.

10 If in any town from which the police shall be withdrawn, wholly or in part, special police protection is in the opinion of the Governor requisite on any particular occasion, the Inspector-General of Police may by order of the Governor provide such protection, and the board shall pay from the local fund the entire cost thereof, or such portion as the Governor in Executive Council may consider equitable.

Waterworks.

11 The board may provide the town with a supply of drinking water, and for that purpose may, from time to time, with the approval of the Governor in Executive Council, contract with any person whomsoever, or purchase, take upon lease, hire, or construct and maintain such waterworks, and do and execute all such works, matters, and things as shall be necessary and proper.

Water-rate.

12 (1) To provide for the cost and maintenance of such waterworks, it shall be lawful for the board to levy a water-rate on such annual value of all houses, buildings, lands, and tenements within the limits of the town, as shall be determined for the purposes of the assessment rate levied under this or under the principal Ordinance.

(2) Such water-rate shall be fixed from time to time by the Governor in Executive Council, but shall in no case exceed six per centum on such annual value as aforesaid, and shall be collected, recovered, and paid over to the board by the government agent in the same manner as the assessment rate levied under this or under the principal Ordinance.

(3) The Governor in Executive Council may, by notification in the *Government Gazette*, exempt either wholly or partially from the water-rate any premises which, in his opinion, are not sufficiently supplied with water from such waterworks, and may from time to time revoke such exemption.

Ratepayer entitled to water free of charge from public standpipes.

13 (1) Every person paying such water-rate shall be entitled to have free of further charge in respect thereof a supply of water from the public standpipes for the domestic use of himself and his household.

For domestic purposes.

(2) A supply of water for domestic purposes shall not include a supply of water for horses or cattle or for washing vehicles, where such horses, cattle, or vehicles are kept for sale or hire, or a supply for any trade, manufacture, or business, or for fountains or swimming baths, or for any ornamental or mechanical purpose, or for purposes of irrigation.

Contract for private service and for supply of water for other than domestic purposes.

(3) The board may supply water for other than domestic purposes, or allow a private service of water to any house for domestic purposes, in such quantities and upon such terms and conditions as may be agreed upon between them and the persons desirous of being so supplied.

By-laws.

14 (1) It shall be lawful for the board to make, and when made to amend or revoke, by-laws for preventing waste, misuse, undue consumption, or contamination of the water supplied, and for every other purpose relating to the due preservation and maintenance of the waterworks.

(2) No by-law, or amendment or revocation of any by-law, shall have effect until the same is sanctioned by the Governor in Executive Council, and notice of such sanction is given by notification in the *Government Gazette.*

No assessment, valuation, &c., to be impeached for want of form.

15 No assessment or valuation, and no charge or demand of any rate or tax under the authority of this or of the principal Ordinance, and no seizure and sale, shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate or tax, or in the description of any property or thing liable to such rate or tax, or any mistake in the amount of assessment or the mode of seizure and sale, provided the directions of this and of the principal Ordinance or of any by-law lawfully made by the board be in substance and effect complied with; and no proceedings under this or the principal Ordinance shall be quashed or set aside in any court of justice for want of form.

The board may borrow on security of rates and taxes.

16 It shall be lawful for the board, with the sanction of the Governor in Executive Council, to borrow from the Ceylon Government or from any person or body of persons, whether incorporated or not, such sum or sums of money as may be necessary for carrying out any waterworks or any work of a permanent character undertaken under the provisions of this or of the principal Ordinance. Every such loan shall be subject to such rate of interest and to such conditions for the repayment thereof as the Governor in Executive Council may sanction. And for the purpose of securing the repayment of the sum or sums so borrowed and the interest accruing thereon, the board may mortgage and assign over to the lender or lenders by or on whose behalf such sum or sums or any part thereof may be lent, the rates and taxes imposed and levied under this or the

principal Ordinance, or any portion thereof. Provided that any loans raised under the authority of this Ordinance shall not at any time exceed in the aggregate ten times the fair average annual income received by the board from all rates and taxes for the preceding five years.

Proviso.

17 Every mortgage of rates or taxes authorized to be made under the provisions of this Ordinance shall be by deed, free from stamp duty, in which the consideration shall be truly stated, and every such deed shall be signed by the chairman and any two members of the board, and shall be in the form in the schedule to this Ordinance annexed, or to the like effect.

Mortgages to be by deed.

18 If the board can at any time borrow or take up any sum of money at a lower rate of interest than any securities given by them and then being in force shall bear, they may borrow such sum at such lower rate as aforesaid in order to pay off and discharge the securities bearing such higher rate of interest, and may charge the rates and taxes which they are authorized to mortgage under this Ordinance or any part thereof with payment of such sum and such lower rate of interest, in such manner and subject to such regulations as are hereinbefore contained.

When and how board may pay off securities.

19 In order to discharge the principal money borrowed as aforesaid on security of any rates or taxes, the board shall every year appropriate and set apart out of such rates and taxes respectively a sum equal to at least one-fiftieth part of the sums so borrowed respectively as a sinking fund, to be applied in paying off the respective principal moneys so borrowed, and shall from time to time cause such sinking fund to be invested in the purchase of Imperial, Indian, or colonial Government securities, to be approved by the Governor in Executive Council, and to be increased by accumulation in the way of compound interest or otherwise, and which interest shall, when it amounts to a sufficient sum, in like manner be invested until the principal sum and interest respectively shall be of sufficient amount to pay off the principal debts respectively to which such sinking fund shall be applicable, or some part thereof which the board shall think ought then to be paid off, when the same shall be so applied in paying off the said principal debts or part thereof in manner hereinafter mentioned.

Sinking fund for payment of debts.

20 Whenever the board shall be enabled to pay off one or more of the mortgages which shall be then payable, and shall not be able to pay off the whole of the same class, they shall decide the order of payment by lot among the class to which such one or more of the mortgages belong, and shall cause a notice signed by the chairman to be given to the persons entitled to the money to be paid off pursuant to such lot, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid together with the interest due thereon at a place to be specified, at the expiration of six months from the date of giving such notice.

Order of payment of mortgages may in certain cases be decided by lot.

Butchers' licenses.

21 All licenses to carry on the trade of a butcher within the limits of the town shall be issued by the chairman of the board, anything in the Ordinance No. 14 of 1859 to the contrary notwithstanding.

No assessment rate or police tax leviable on fields and lands subject to other taxation.

22 From and after the passing of this Ordinance, no assessment rate and no police tax shall be made, assessed, or levied, under this or the principal Ordinance, in respect of any field or land situate within the limits of a town in which a local board is or may hereafter be established, if such field or land or the produce thereof is liable to any tax, duty, or Government share or any annual or crop commutation under any law, usage, or custom which is now or which may hereafter be in force. Provided that nothing herein contained shall have the effect of exempting any house or building on such field or land from the assessment rate or police tax.

Construction of principal Ordinance.

23 The principal Ordinance shall, as from the commencement of this Ordinance, take effect subject to the additions, omissions, and substitutions required by this Ordinance, but nothing in this Ordinance shall affect the validity of any act done, right acquired, or liability incurred under the principal Ordinance before the commencement of this Ordinance.

Short title.

24 This Ordinance may be cited as "The Local Boards Amendment Ordinance, 1890," and shall be read as one with the principal Ordinance.

SCHEDULE.

Form of Mortgage.

No. ——.

By virtue of "The Local Boards Amendment Ordinance, 1890," the Local Board of ———, in consideration of the sum of ——— rupees paid to the credit of the funds of the said Local Board by *A. B.*, of ———, for the purposes of the said Ordinance, grant and assign unto the said *A. B.*, his heirs, executors, administrators, and assigns, such portion of the rates and taxes arising or accruing by virtue of the said Ordinance, or of the Ordinance No. 7 of 1876, from (*here describe the rates or taxes proposed to be mortgaged*) as the said sum of ——— rupees doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates and taxes, to hold to the said *A. B.*, his heirs, executors, administrators, and assigns, from this day until the said sum of ——— rupees, with interest at ——— per cent. per annum for the same, shall be fully paid and satisfied (the principal sum to be repaid at the end of ——— years from the date hereof, and in the meantime interest thereon to be payable half-yearly) (*in case any period be agreed upon for that purpose*).

Given at ——— this ——— day of ———, 18 —.

A. B., Chairman.

——— } Members
———

16th December, 1890.

No. 28 of 1890.

An Ordinance to abolish the Tax on Dry Grain.

WHEREAS it is expedient to abolish the tax, duty, or share due to the Crown in respect of dry grain grown in this colony: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows: Preamble.

1 In this Ordinance, unless the context otherwise requires— Definition:

"Dry grain" shall mean and include every description of grain and produce, other than paddy, which at the date of the passing of this Ordinance is subject to the payment of any tax, duty, or share to the Crown. "Dry grain."

2 From and after the passing of this Ordinance there shall cease to be levied by and payable to the Crown such tax, duty, or share as by law, custom, or usage (whether general or local) has heretofore been so levied and payable in respect of dry grain grown in this colony. Tax on dry grain abolished.

3 So much of the Ordinances set forth in the schedule hereto and of any other Ordinance as is inconsistent with this Ordinance shall be and the same is hereby repealed. Repeal.

SCHEDULE.

Ordinance No. 14 of 1840	Ordinance No. 11 of 1878
Ordinance No. 29 of 1865	Ordinance No. 9 of 1884
Ordinance No. 5 of 1866	Ordinance No. 16 of 1885

16th December, 1890.

No. 30 of 1890.

An Ordinance to amend the Ordinance No. 12 of 1846.

WHEREAS it is expedient to amend the Ordinance No. 12 of 1846, intituled "An Ordinance to regulate the temporal affairs of the Episcopal Churches in the Island of Ceylon, which have been erected or are now in course of erection, or which may hereafter be erected, in terms of the Ordinance No. 1 of 1845," hereinafter referred to as "the principal Ordinance:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows: Preamble.

1 After section 18 of the principal Ordinance the following section shall be added and numbered 18 (*a*) namely: Section 18 (*a*) inserted after section 18.

It shall be lawful for the said trustees, after defraying such necessary expenses as are specified in the preceding section, to spend any income, rents, revenues, interest, fees, Trustees authorized to acquire property

and maintain parsonages, schools, and missions out of income and collections.

collections, or subscriptions, or any other funds which may come into their hands as trustees of any such church, in the purchase or acquirement of property of any description for the purposes of their trust, or in the payment of the stipends of the clergy, teachers, and catechists of such church, or in the erection or purchase of a parsonage for the use of the clergyman of such church, or for the maintenance of such parsonage and of schools or missions attached to such church, or on any other religious work connected with such church.

Power to trustees to lease real property for a term not exceeding ninety-nine years.

2 It shall be lawful for the said trustees to lease any portion or portions of the real estate and property vested in them as trustees, or any right or privilege over or affecting any such estate or property, for the purposes of their trust, provided that the following conditions be observed :

(1) Every such lease shall be made to take effect in possession at or within one year next after the making thereof, and shall be for such term, not exceeding ninety-nine years, as the trustees shall think proper.

(2) On every such lease shall be reserved the best rent or reservation in the nature of rent, either uniform or not, that can be reasonably obtained.

(3) Every such lease shall be by notarial instrument, and shall contain a condition for re-entry on non-payment of the rent for a period not less than twenty-eight days after it becomes due.

(4) Every such lease shall contain such covenants, conditions, and stipulations as the said trustees shall deem expedient with reference to the special circumstances of the demise.

Trustees to nominate clergymen.

3 It shall be lawful for the said trustees, on the death, retirement, removal, or incapacity of the colonial chaplain or clergyman of any such church, to nominate a fit person to be clergyman thereof, subject to the consent of the bishop of the diocese, and to such rules made by the synod of the diocese in regard to such nomination as may be lawfully binding on them.

Trustees may sell if authorized thereto by trust deed.

4 Nothing in this Ordinance contained shall affect the right of the said trustees to sell any real estate and property vested in them as trustees in pursuance of, and in accordance with, the terms and conditions contained in the instrument or deed of trust.

To be read as one with Ordinance No. 12 of 1846.

5 This Ordinance shall be read as one with the principal Ordinance, and shall come into operation on the passing hereof.

17th December, 1890.

No. 31 of 1890.

An Ordinance to enable the Trustees of the Episcopal Church at Nuwara Eliya, known as Holy Trinity Church, to sell a portion or portions of Land vested in them as Trustees of such Church.

Preamble.

WHEREAS by virtue of a conveyance bearing date at Kalutara, the twenty-eighth day of October, One thousand Eight hundred and Fifty-three, the late Francis James Templer granted, bargained, sold, assigned, and set over for the consideration therein named a tract of land at Nuwara Eliya, bounded on the north, east, and west by other land belonging to the said Francis James Templer, and on the south and south-west by a river, and containing in extent thirty acres according to a survey to the said conveyance annexed, to Robert Temple, Samuel Baker, and Raymond Richard Pelly, the then trustees of the Episcopal Church at Nuwara Eliya, now known as Holy Trinity Church, and to their successors, the trustees for the time being: And whereas the said tract of land is of greater extent than is required for the purposes of the said church, and whereas Cecil John Reginald Le Mesurier, John Helps Starey, William Nock, and John Alexander Rossiter, the present trustees of the said church, are desirous of selling such portion or portions of the said tract of land as in their opinion is or are unnecessary to be retained for the purposes of the said church, and have, through the standing committee of the synod of the Church of England in the diocese of Colombo, applied to the Government for an Ordinance to enable them or their successors, the trustees for the time being of the said church, to sell and convey such portion or portions of the said tract of land and the building or buildings standing thereon for such price or prices as to them or the trustees for the time being may seem fit and proper: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Trustees authorized to sell at their discretion any portion or portions of land vested in them as trustees.

1 It shall be lawful for the said Cecil John Reginald Le Mesurier, John Helps Starey, William Nock, and John Alexander Rossiter, or the trustees for the time being of the Episcopal Church at Nuwara Eliya, known as Holy Trinity Church, in their absolute discretion to sell any portion or portions of the said tract of land by public auction or private contract, and subject or not at the absolute discretion of the above-named trustees or the trustees for the time being of the said church to any stipulations as to title, evidence, indemnity, the mode of paying the purchase-money, or otherwise, and to buy in the said portion or portions of the said tract of land, and to rescind or vary any contract for sale, and resell without being answerable for any loss, and to convey the same respectively in such manner as shall be thought expedient for effecting such sale.

Purchase-money to be vested in trustees for the trusts and purposes of the Ordinance No. 12 of 1846.

2 The said Cecil John Reginald Le Mesurier, John Helps Starey, William Nock, and John Alexander Rossiter, or the trustees for the time being of the said church, shall stand possessed of the money to arise by such sale or sales, after payment of the expenses attending such sale or sales, upon and for the trusts and purposes, and subject to the powers, provisoes, and declarations expressed in the Ordinance No. 12 of 1846, in respect of property and moneys vested in trustees elected and appointed under the said Ordinance as trustees of any church.

Receipt of trustees to be a discharge to persons purchasing any portion of the property.

3 The receipt in writing of the said Cecil John Reginald Le Mesurier, John Helps Starey, William Nock, and John Alexander Rossiter, or the trustees for the time being of the said church, for the purchase-moneys of any portion or portions of the property hereby authorized to be sold shall effectually discharge the person or persons paying the same therefrom, and from being accountable for the loss, misapplication, or non-application thereof, and from being concerned to see to the application thereof.

Saving clause.

4 Nothing in this Ordinance contained shall affect the rights of Her Majesty, her heirs, and successors, or of the lessee, his executors, administrators, and assigns under the lease, the validity of which was established by the Ordinance No. 22 of 1865, intituled "An Ordinance to establish the validity of a Lease of a portion of the Parsonage Land at Nuwara Eliya."

17th December, 1890.

No. 32 of 1890.

An Ordinance to amend the Ordinance No. 6 of 1885.

Preamble.

WHEREAS it is expedient to amend the Ordinance No. 6 of 1885, intituled "An Ordinance to enable the Bishop, Clergy, and Laity of the Church of England in Ceylon to provide for the regulation of the affairs of the said Church:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Section 9 of Ordinance No. 6 of 1885 amended.

1 In section 9 of the Ordinance No. 6 of 1885, the words "not less than five" shall be inserted after the words "any number of persons," and the following words shall be inserted immediately before the proviso to the said section:

Incorporated trustees.

Provided that the seal of the said corporation shall not be affixed to any instrument except in the presence of three at least of the members of such corporation, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person who may sign the instrument as a witness.

To be read with Ordinance No. 6 of 1885.

2 This Ordinance shall be read as one with the Ordinance No. 6 of 1885.

17th December, 1890.

No. 1 of 1891.

An Ordinance to confirm the Validity of the Registration of certain Marriages, Births, and Deaths in the Morawak Korale, in the Southern Province.

(*See No. 6 of 1847.*)

Preamble.

WHEREAS doubts have arisen as to the legality of the registration of certain marriages, births, and deaths in the district of Morawak kóralé, in the Southern Province, as from and after the thirty-first day of January, One thousand Eight hundred and Sixty-seven, and it has become expedient to remove such doubts: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Morawak kóralé to be a registration district.

1 As from and after the thirty-first day of January, 1867, the district of Morawak kóralé, in the Southern Province, shall be deemed to have been, and shall hereafter be, a registration district for the purposes of the Ordinances No. 6 of 1847, No. 13 of 1863, No. 8 of 1865, and No. 18 of 1867.

Persons appointed as registrars of certain divisions of the said district to be deemed duly appointed registrars of the entire district.

2 Every person who between the thirty-first day of January, 1867, and the passing of this Ordinance shall have been appointed to, or who at the date of the passing of this Ordinance is holding, the office of registrar of marriages or the office of registrar of births and deaths of any of the following divisions of the registration district of Morawak kóralé, to wit, (1) Pallé pattu, (2) Udugahà pattu, and (3) Dankoluwa, shall be deemed, for the purposes of the Ordinances specified in the preceding section, to have been duly appointed registrar of marriages and registrar of births and deaths respectively for the entire registration district of Morawak kóralé.

To what extent registration cured.

3 Nothing herein contained shall give any validity to the registration of the said marriages, births, or deaths, except so far as relates to the defects thereof caused by the appointment of registrars to the divisions named in section 2 instead of the registration district of Morawak kóralé.

8th March, 1891.

No. 2 of 1891.

(*As amended by No. 15 of 1893.*)

An Ordinance to amend the Law respecting the Exercise of Admiralty Jurisdiction in this Colony.

Preamble.

WHEREAS by section 3 of an Act of the Imperial Parliament, called "The Colonial Courts of Admiralty Act, 1890," it is enacted that the Legislature of a British possession may by any colonial law—

(*a*) Declare any court of unlimited civil jurisdiction, whether original or appellate, in that possession, to be a colonial court of admiralty, and provide for the exercise by such court of its jurisdiction under the said Act, and limit territorially, or otherwise, the extent of such jurisdiction; and

(*b*) Confer upon any inferior or subordinate court in that possession such partial or limited admiralty jurisdiction under such regulations, and with such appeal (if any) as may seem fit: Provided that any such colonial law shall not confer any jurisdiction which is not by the said Act conferred upon a colonial court of admiralty:

And whereas it is expedient to declare the Supreme Court of the island of Ceylon a colonial court of admiralty, and to provide for the exercise by such court of its jurisdiction under the said Act, and to confer upon some of the district courts in this colony a partial or limited admiralty jurisdiction: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance may be cited as "The Ceylon Courts of Admiralty Ordinance, 1891."

Supreme Court declared a colonial court of admiralty.

2 It is hereby declared that the Supreme Court of the island of Ceylon shall be a colonial court of admiralty, and such court shall have jurisdiction, subject to the provisions and limitations contained in the said "Colonial Courts of Admiralty Act, 1890," over the like places, persons, matters, and things as the admiralty jurisdiction of the High Court in England, whether existing by virtue of any Statute or otherwise, and such colonial court of admiralty may exercise such jurisdiction in like manner and to as full an extent as the High Court in England, and shall have the same regard as that court to international law and the comity of nations.

Appointment of district courts for admiralty purposes.

3 If at any time after the passing of this Ordinance it appears to the Governor in Executive Council expedient that any district court should have admiralty jurisdiction, it shall be lawful for the Governor, in Executive Council, by Proclamation to be published in the *Government Gazette*, to appoint that court to have admiralty jurisdiction accordingly, and to assign to that court as its district for admiralty

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purposes any part or parts of any one or more district or districts; and the district so constituted for that court, with the parts of the sea (if any) adjacent to that district to a distance of three miles from the shore thereof, shall be deemed its district for admiralty purposes; and accordingly the judge and all officers of the court shall have jurisdiction and authority for those purposes throughout that district as if the same was the district of the court for all purposes; and from a time to be specified in each such Proclamation, this Ordinance shall have effect in and throughout the district so constituted; and any such order may be from time to time varied as seems expedient, and a district court so appointed to have admiralty jurisdiction, and no other district court, shall for the purposes of this Ordinance be deemed a district court having admiralty jurisdiction.

Extent of admiralty jurisdiction of district courts.

4 Any district court having admiralty jurisdiction shall have jurisdiction, and all powers and authorities relating thereto, to try and determine the following causes:

(1) As to any claim for salvage in any cause in which the value of the property saved does not exceed ten thousand rupees, or in which the amount claimed does not exceed three thousand rupees.

(2) As to any claim for towage, necessaries, or wages in any cause in which the amount claimed does not exceed one thousand and five hundred rupees.

(3) As to any claim for damage to cargo or damage to ships by collision or otherwise, or damage done by any ship, in any cause in which the amount claimed does not exceed three thousand rupees.

(4) Any cause in respect of any such claim or claims as aforesaid, but in which the value of property saved or the amount claimed is beyond the amount limited as above mentioned, when the parties agree, by a memorandum signed by them or by their attorneys or recognized agents, that any district court having admiralty jurisdiction and specified in the memorandum shall have jurisdiction.

As to transfer from district court by order of Supreme Court.

5 The colonial court of admiralty, on motion by any party to an admiralty cause pending in a district court, may, if it shall think fit, with previous notice to the other party, transfer the cause to the colonial court of admiralty, and may order security for costs, or impose such other terms as to the court may seem meet.

As to transfer of causes by order of district court to colonial court of admiralty.

6 If during the progress of an admiralty cause in a district court it appears to the court that the subject-matter exceeds the limit in respect of amount of the admiralty jurisdiction of the court, the validity of any order or decree theretofore made by the court shall not be thereby affected, but (unless the parties agree, by a memorandum signed by them or by their attorneys or recognized agents, that the court shall retain jurisdiction) the court shall by order transfer the cause to the colonial court of admiralty; but that court may, nevertheless, if the judge of that court in

any case thinks fit, order that the cause shall be prosecuted in the district court in which it was commenced, and it shall be prosecuted accordingly.

As to transfer of causes to other district courts or colonial court of admiralty.

7 If during the progress of an admiralty cause in a district court it shall appear to the court that the cause could be more conveniently prosecuted in some other district court or in the colonial court of admiralty, the court may by order transfer it to such other district court or to the colonial court of admiralty, as the case may be, and the cause shall thenceforward be so prosecuted accordingly.

Restrictions on proceedings in the colonial court of admiralty.

8 If any person shall take in the colonial court of admiralty proceedings which he might, without agreement, have taken in a district court, except by order of the judge of the colonial court of admiralty or of a district court having admiralty jurisdiction, and shall not recover a sum exceeding the amount to which the jurisdiction of the district court in that admiralty cause is limited by this Ordinance; and also if any person without agreement shall, except by order as aforesaid, take proceedings as to salvage in the colonial court of admiralty in respect of property saved, the value of which when saved does not exceed ten thousand rupees, he shall not be entitled to costs, and shall be liable to be condemned in costs unless the judge of the colonial court of admiralty before whom the cause is tried or heard shall certify that it was a proper admiralty cause to be tried in the colonial court of admiralty.

Powers, &c., of judges

9 In an admiralty cause in a district court the cause shall be heard and determined in like manner as ordinary civil causes are now heard and determined in district courts, save and except that in any admiralty cause of salvage, towage, or collision, the district judge shall, if he thinks fit, or on the request of either party to such cause, be assisted by two nautical assessors.

Power to judge of district court to summon nautical assessors to his assistance.

10 In any such admiralty cause as last aforesaid it shall be lawful for the judge of the district court, if he think fit, and he shall, upon request of either party, summon to his assistance, in such manner as the rules of court under this Ordinance shall direct, two nautical assessors, and such nautical assessors shall attend and assist accordingly.

Decrees in district courts in admiralty causes to have same force as those in civil causes

11 The decree of the district court in an admiralty cause shall be enforced against the person or persons summoned as the defendant or defendants in the same manner as the decrees of the said court are enforced in ordinary civil causes, save and except as in this Ordinance otherwise provided.

Admiralty causes to be heard at usual courts

12 The judge of every district court having admiralty jurisdiction shall hear and determine admiralty causes at the usual court held within his jurisdiction, or at special courts to be held by him, and which he is hereby required to hold as soon as may be after he shall have had notice of an admiralty cause having arisen within the jurisdiction of his court

13 The secretary of each district court having admiralty jurisdiction shall from time to time frame a list, to be approved by a judge of the colonial court of admiralty, before whom the same shall be laid by the district court judge, and without whose approval it shall have no validity, of assessors, of persons of nautical skill and experience residing or having places of business within the district of the district court, to act as assessors in that court, and shall cause the list to be published in the *Government Gazette.*

Appointment of assessors in district court.

14 Every person named in the list of assessors so framed and approved shall attend the district court under such circumstances and in such rotation, and subject to such regulations, and shall receive such fees for his attendance as the rules of court under this Ordinance shall direct; and for every wilful non-attendance shall be liable at the discretion of the court to a penalty not exceeding fifty rupees.

Attendance of assessors.

15 Every assessor named in such list shall hold his office until a new list of assessors shall have been framed and approved as aforesaid.

Removal of assessors.

16 The secretary of a district court shall have power to administer oaths in relation to any admiralty cause in a district court; and any person who shall wilfully depose or affirm falsely before the secretary in any admiralty cause shall be deemed to be guilty of the offence of giving false evidence, and shall be liable to all the pains and penalties attaching to such offence.

Power to secretary to administer oaths and take evidence.

17 Proceedings in district courts in an admiralty cause shall be commenced—

Proceedings in district court for commencement of cause.

(1) In the district court having admiralty jurisdiction within the district of which the vessel or property to which the cause relates is at the commencement of the proceedings.

(2) If the foregoing rule be not applicable, then in the district court having admiralty jurisdiction in the district of which the owner of the vessel or property to which the cause relates, or his recognized agent in Ceylon resides, or if such owner or agent does not reside within any such district, then in the district court having admiralty jurisdiction the district whereof is nearest to the place where such owner or agent resides.

(3) If for any reason the last foregoing rule is not applicable or cannot be acted on, then in such district court having admiralty jurisdiction as rules of court under this Ordinance direct.

(4) In any case in the district court or one of the district courts having admiralty jurisdiction which the parties by a memorandum, signed by them or by their attorneys or recognized agents, agree shall have jurisdiction in the cause.

Limitation of arrest.

18 In an admiralty cause in a district court, if evidence be given to the satisfaction of the judge that it is probable that the vessel or property to which the cause relates will be removed out of the jurisdiction of the court before the plaintiff's claim is satisfied, it shall be lawful for the said judge to issue a warrant for the arrest and detention of the said vessel or property, unless or until bail to the amount of the claim made in such cause, and to the reasonable costs of the plaintiff in such cause, be entered into and perfected, according to rules of court under this Ordinance, by or on behalf of the owner of the vessel or property or his recognized agents or other defendant in such cause ; and, except as in this section expressly provided, there shall be no arrest or detention of a vessel or property in an admiralty cause in a district court otherwise than in execution.

Power to issue process.

19 For the execution of any decree or order of a district court in an admiralty cause, the court may order, and the secretary on such order may seal and issue, and any officer of any district court may execute process, according to the rules of court under this Ordinance ; provided that where under such process a vessel or property would or might be sold, then, if the owner of the vessel or property desires that the sale should be conducted in the colonial court of admiralty instead of in the district court, he shall be entitled, on security for costs being first given, and subject and according to such other provisions as the rules of court under this Ordinance direct, to obtain an order of the district court for transfer of the proceedings for sale, with or without (as the judge of the district court thinks fit) the transfer of the subsequent proceedings in the cause, to the colonial court of admiralty, which court shall have jurisdiction and all powers and authorities relating thereto accordingly.

Conduct of sale, &c., in court of admiralty.

20 On an appeal under this Ordinance, the judge of the colonial court of admiralty, if it appears to him expedient that any sale decreed or ordered to be made of the vessel or property to which the cause relates should be conducted in the colonial court of admiralty instead of in the district court from which the appeal is brought, may direct the transfer of the proceedings for sale, with or without the transfer of the subsequent proceedings in the cause, to the colonial court of admiralty, which court shall have jurisdiction, and all powers and authorities relating thereto accordingly.

Appeal to Supreme Court.

21 Subject to rules of court under this Ordinance, a decree, judgment, or order of the district court made in the exercise of the jurisdiction conferred on it by this Ordinance shall be subject to appeal to the colonial court of admiralty in like manner as a decree, judgment, or order of the district court in the exercise of its ordinary civil jurisdiction may be appealed from to the Supreme Court, and the colonial court of admiralty for the purposes of such appeal shall possess and exercise all the powers now vested in the Supreme Court in its ordinary appellate jurisdiction.

Rules of court. [§ 2, 15 of 1893]

22 (1) Rules of court for regulating the procedure and practice (including fees and costs) in the colonial court of admiralty and district courts in the exercise of the jurisdiction conferred by this Ordinance, whether original or appellate, may be made by the judges of the Supreme Court or any two of them, of whom the Chief Justice shall be one, and in the same manner as general rules and orders may be made under the provisions of section 53 of "The Courts Ordinance, 1889."

Provided that the rules under this section shall not extend to matters relating to the slave trade, and shall not (unless otherwise ordered by Her Majesty in Council) come into operation until they have been approved by Her Majesty in Council, but on coming into operation shall have full effect as if enacted in this Ordinance; and any enactment inconsistent therewith shall, so far as it is so inconsistent, be repealed.

(2) The rules made under this section may provide for the exercise of any jurisdiction conferred by this Ordinance on the colonial court of admiralty by the full court or by any judge or judges thereof, and subject to any rules any judge of the Supreme Court may exercise in all actions, causes, and matters which come before such court sitting as a court of first instance, and not as a court of appeal, all or any part of the jurisdiction by this Ordinance conferred or intended to be conferred on the Supreme Court.

Commencement of Ordinance.

23 (1) This Ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified by the Governor by Proclamation in the *Government Gazette*, and until such day after the first day of July, 1891, as the Governor shall appoint by the same or any other Proclamation published in the *Government Gazette*.*

(2) If on the commencement of this Ordinance rules of court have not been approved by Her Majesty in pursuance of the Ordinance, the rules in force at such commencement under "The Vice-Admiralty Courts Act, 1863," including any rules made with reference to Her Majesty's ships, shall, so far as applicable, have effect in the colonial court of admiralty and in district courts having admiralty jurisdiction as rules of court under this Ordinance, and may be revoked and varied accordingly; and all fees payable under such rules or rules under this Ordinance may be taken and applied in such manner as the Governor in Executive Council may direct, so however that the amount of each such fee shall so nearly as practicable be paid to the same officer or person who, but for the passing of this Ordinance, would have been entitled to receive the same in respect of like business. So far as any such rules in force at the commencement of this Ordinance are inapplicable or do not extend, the rules of court for the exercise by the district court of its ordinary civil jurisdiction shall have effect as rules for the exercise by the same court of the jurisdiction conferred by this Ordinance.

21st September, 1891.

* Proclaimed the 1st day of March, 1892.

No. 3 of 1891.

An Ordinance to amend the Law relating to Treasure Trove.

(*See No. 17 of 1887.*)

Preamble.

WHEREAS it is expedient to amend in the particulars hereinafter mentioned the Ordinance No. 17 of 1887: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

To be read with principal Ordinance, No. 17 of 1887.

1 This Ordinance and the Ordinance No. 17 of 1887, intituled "An Ordinance relating to Treasure Trove," hereinafter referred to as "the principal Ordinance," shall be read together as one Ordinance.

Section 1 of principal Ordinance amended.

2 For section 1 of the principal Ordinance the following section shall be substituted:

For the purposes of this Ordinance—

"Treasure trove" shall mean any money, coin, gold, silver, plate, bullion, precious stones, antiquities, or anything of any value found hidden in, or in anything affixed to, the earth, and the owner of which is unknown or cannot be found; and

"Chief headman" shall include any mudaliyár, muhandiram, raṭémahatmayá, kórála, arachchi, vanniya, udaiyár, maniakar, or adigár.

Section 3 amended.

3 For section 3 of the principal Ordinance the following section shall be substituted:

(1) From and after the coming into operation of this Ordinance it shall be the duty of every person finding treasure trove, and every person to whose knowledge the finding of treasure trove shall in any way come, and of every person to whose possession treasure trove shall in any way come, forthwith to report the fact of such finding and to surrender the treasure trove in his possession to the nearest police magistrate, if any such magistrate resides within a distance of ten miles from the place in which such finding shall have occurred, or in which such person shall be at the time he acquires possession of such treasure trove. But if no such magistrate resides within the distance aforesaid, such report and surrender shall be made to the nearest chief headman or to the nearest police officer not under the rank of sergeant, and it shall be the duty of such headman or police officer forthwith to give information of such report, and to deliver possession of any treasure trove which may have been surrendered to him to the nearest police magistrate.

(2) On the receipt of the report mentioned in the preceding sub-section, or on complaint being made by any person to a police court that an offence has been committed under this Ordinance, the police magistrate shall proceed to inquire into the matter of such report or complaint in order to ascertain—

(*a*) What was the treasure trove actually found ;

(*b*) Who were the finders ;

(*c*) Whether any offence has been committed under the Ordinance, and, if so, by whom.

If, however, such magistrate has no jurisdiction over the district or division in which the treasure trove has been found or may be reported to have been found, he shall forthwith transmit such information as he may have received, and any treasure trove which may have been delivered to him, to the police magistrate having such jurisdiction, and such magistrate shall thereupon proceed to hold the inquiry as above provided.

4 The words "or unofficial police magistrate" in the first line of section 4 of the principal Ordinance shall be and the same are hereby repealed. Section 4 amended.

5 For section 6 of the principal Ordinance the following section shall be substituted : Section 6 amended.

The finder or other person to whose possession treasure trove shall have come shall, on complying with the provisions of section 3, and on voluntarily surrendering such treasure trove to any chief headman, police officer, or police magistrate, as hereinbefore provided, and on such treasure trove being retained by the Ceylon Government, become entitled to receive from the said Government payment of a sum of money equivalent to the value of the material of such treasure trove, together with an additional one-fifth of such value. The value in each case shall be determined by the Governor in Executive Council.

6 For section 8 of the principal Ordinance the following section shall be substituted : Section 8 amended.

Every finder of treasure trove, and every person to whose knowledge the finding of treasure trove shall in any way come, and every person to whose possession treasure trove shall have come, who shall wilfully omit or neglect to report such finding, or to deliver possession of such treasure trove in manner in section 3 provided, and any person who conceals or does any act towards concealing treasure trove, or in any way alters or attempts to alter such treasure trove so as to conceal its identity, and any chief headman or police officer who wilfully neglects to perform the duty imposed on him by section 3, shall be guilty of an offence, and shall be liable on conviction to simple or rigorous imprisonment for a term not exceeding two years, or to a fine not exceeding one thousand rupees, or both.

7 Section 9 of the principal Ordinance shall be and the same is hereby repealed. Section 9 repealed.

21st September, 1891.

No. 4 of 1891.

An Ordinance to empower Police Magistrates to inflict Whipping for theft of Prædial Products.

Preamble

WHEREAS it is expedient to make special provision for the punishment of the theft of prædial products in this colony: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Commencement.

1 This Ordinance shall come into operation only in such provinces and revenue districts, and at such time or respective times, as the Governor in Executive Council shall from time to time or at any time appoint by Proclamation in the *Government Gazette.*

Powers of such Governor in Executive Council

2 It shall be lawful for the Governor in Executive Council, by Proclamation in the *Government Gazette*—

(*a*) To revoke any Proclamation issued under section 1, and upon such revocation this Ordinance shall cease to have any effect in the province or district described in such revoked Proclamation; or

(*b*) To re-issue any Proclamation so revoked as aforesaid or any part thereof.

Appointment of special magistrates

3 For the purposes of this Ordinance it shall be lawful for the Governor to appoint to any province or district brought within the operation of this Ordinance one or more police magistrates, anything in "The Courts Ordinance, 1889," or "The Criminal Procedure Code, 1883," to the contrary notwithstanding.

Powers of such magistrates

4 Every such magistrate shall have and exercise within the province or district to which he is appointed—

(*a*) Power to hear, try, determine, and dispose of, subject to the proviso contained in section 89 of "The Courts Ordinance, 1889," all prosecutions triable summarily by a police court for the offence of theft of prædial products under sections 367 and 368 of "The Ceylon Penal Code," which at the date of the coming into operation of this Ordinance may be pending, or which may thereafter be instituted in any police court within such province or district, and in respect of which prosecutions any police magistrate appointed under "The Courts Ordinance, 1889," may or may not have heard part of the evidence;

(*b*) All the jurisdictions and powers in respect of such prosecutions which a police magistrate appointed under "The Courts Ordinance, 1889," by law has and may exercise within his own division;

(*c*) Power to pass sentence of whipping in addition to or in lieu of such other punishment or punishments as police courts may lawfully inflict on any person above the age of sixteen years who may be convicted of the said offence. Provided that the whipping under any such sentence shall in no case exceed twenty lashes, and shall be carried out in the manner prescribed by sections 55 and 56 of "The Ceylon Penal Code."

21st September, 1891.

No. 5 of 1891.

An Ordinance to incorporate the Public Service Mutual Provident Association.

Preamble.

WHEREAS an association consisting of persons employed in the public service of the colony, and called "The Public Service Mutual Provident Association" (hereinafter referred to as the said association), was established in the year One thousand Eight hundred and Eighty-three, for the objects of promoting thrift, of giving relief to its members in times of sickness or distress, of aiding them when in pecuniary difficulties, and of making provision for their widows and orphans: And whereas the said association has heretofore successfully pursued the objects for which it was founded, and has applied to be incorporated, and it will be for the public advantage to grant the application: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Public Service Mutual Provident Association incorporated.

1 From and after the passing of this Ordinance, the Assistant Auditor-General, the chief clerk of the Secretariat, the chief clerk of the Audit Office, and such and so many persons as now are members of the said association, or shall hereafter be admitted members of the corporation hereby constituted, whose names shall be inscribed in the register mentioned in section 11, shall be and become a corporation with continuance for ever under the name of "The Public Service Mutual Provident Association," and by that name shall and may sue and be sued in all courts, and shall have full power and authority to have and to use a common seal. and change and alter the same at their will and pleasure.

General objects.

2 The general objects for which the corporation is constituted are hereby declared to be to promote thrift, to give relief to the members in times of sickness or distress, to aid them when in pecuniary difficulties, and to make provision for their widows and orphans.

Committee of management.

3 (1) The affairs of the corporation shall, subject to the rules made as hereinafter provided, be administered by a committee of management consisting of the officers for the

time being lawfully acting as Assistant Auditor-General, chief clerk of the Secretariat, chief clerk of the Audit Office, and seven members to be elected once a year at the annual general meeting of the corporation.

(2) The first committee of management shall consist of the said officers and seven members who may be elected at any general meeting held under the provisions of section 15.

Powers of committee.

4 The committee of management shall, subject to the provisions of this Ordinance and of any rules made under section 14, have full power and authority generally to govern, direct, and decide all matters whatsoever connected with the appointment of officers, agents, and servants, and with the administration of the affairs of the corporation and the accomplishment of the objects thereof.

Proviso.

Provided that the said committee shall not exercise any powers which are by this Ordinance or by any rules made under section 14 declared to be exercisable by the corporation in general meeting.

Proviso.

Provided also that no rule made by the corporation in general meeting shall invalidate any prior act of the said committee which would have been valid if such rule had not been made.

President.

5 The officer for the time being lawfully acting as Assistant Auditor-General shall be president of the said corporation and committee, and in case of his absence from any meeting a chairman for the occasion shall be chosen by the members present.

Secretary and treasurer.

6 The officer for the time being lawfully acting as chief clerk of the Secretariat shall be secretary, and the officer for the time being lawfully acting as chief clerk of the Audit Office shall be treasurer to the said corporation.

Treasurer's duties.

7 The treasurer shall receive and keep account of all the moneys and funds belonging to the corporation, and shall pay all claims, loans, advances, and expenses authorized by the committee of management. He shall also prepare and submit quarterly to the said committee an account of the transactions of the corporation.

Committee meetings.

8 Meetings for the transaction of the business of the said committee shall be held at least once in every month, and the president, on the requisition of two committee members, shall call a meeting of the committee at any time for the transaction of such business as may be mentioned in the requisition.

Quorum. President to have a casting vote.

9 Five members of committee shall constitute a quorum, and the president, or, in his absence, the chairman, shall have a casting vote in addition to his original vote.

Vacancies how filled.

10 On the death or absence from the colony of any member of the committee of management not being an officer mentioned in section 3, or in the event of such member ceasing to be a member of the corporation, it shall

be lawful for the remaining members of the said committee to elect any member of the corporation as his successor, and the member so elected shall continue in office until the annual general meeting of the corporation next following his election.

Register.

11 (1) The committee of management shall cause a register to be kept in which every person who at the date of the passing of this Ordinance is a member of the said association, and every person thereafter duly admitted a member of the corporation hereby constituted shall have his name inscribed.

(2) Every person holding an appointment in the public service or in any *quasi* public department who fulfils the requirements of the rules shall be eligible for admission as a member, and may, in the discretion of the said committee, be admitted a member.

(3) The register shall contain the following particulars:

(*a*) The name, age on admission, address, and occupation of each member;

(*b*) The date at which the name of any person was inscribed in the register as a member;

(*c*) The date at which any person ceased to be a member.

Books of account.

12 The committee of management shall also cause proper books of account to be kept, which shall be open at all reasonable times to the inspection of members of the corporation, and of any person or persons whom the Governor may at any time appoint to examine the same.

Remuneration to member or members of committee.

13 It shall be lawful for the corporation, by resolution passed at any general meeting, to remunerate the services of any member or members of the committee of management and of the auditor or auditors to be elected under section 16, sub-section 2, and from time to time to fix the amount of such remuneration, and to require such security from such member or members of the committee of management so remunerated as may be deemed sufficient.

[§ *1, 19 of 1894*]

Rules.

14 It shall be lawful for the corporation from time to time at any general meeting of the members and by a majority of votes to make rules for the admission, withdrawal, or expulsion of members, for the imposition of fines and forfeitures for breaches of rules, for the conduct of the duties of the committee of management and of the various officers, agents, and servants of the corporation, for the procedure in the transaction of business, and otherwise generally for the management of the affairs of the corporation and the accomplishment of its objects. Such rules when made may at a like meeting be altered, amended, or cancelled, subject however to the requirements of section 19. Provided that no rule or alteration, amendment or cancellation of any rule shall have effect until the same is confirmed by the Governor in Executive Council. Notice of such confirmation shall be published in the *Government Gazette*, and thereupon the same shall be as valid and effectual as if it had been herein enacted.

General meetings.

15 (1) The secretary, upon the request of the committee of management, or upon the written requisition of ten or more members of the corporation, shall call a general meeting.

(2) No general meeting shall be held unless the quorum of members prescribed by the rules be present, and unless at least seven days' notice, specifying the time and place of such meeting and the purpose for which it is to be held, has been given by advertisement in two or more of the local newspapers, or in such other manner as may be required by any rule made by the corporation ; and no business shall be brought before or transacted at such meeting other than the business specified in such notice.

Annual general meeting.

16 (1) An annual general meeting of the members of the corporation shall be held not later than the thirty-first day of August in each year, when there shall be submitted a balance sheet, a statement of assets and liabilities, and an account of receipts and disbursements during the previous twelve months, all which shall be prepared by the treasurer and duly audited.

(2) Such statement and account shall be examined, and the correctness of the balance sheet ascertained by one or more auditors to be elected by the corporation in general meeting, at least three months before the close of the year the accounts of which he is to audit, and such statement, account, and balance sheet shall, after audit, be published in the *Government Gazette*.

(3) If no election of an auditor or auditors is made in manner aforesaid, the Governor may, on the application of any member of the corporation, appoint an auditor and fix the remuneration to be paid to him by the corporation for his services.

Election of committee members.

(4) At such annual general meeting, the required number of members of the committee of management shall be elected and all business shall be transacted of which due notice shall have been given.

Who shall preside at general meetings.

17 The president of the corporation shall preside at all general meetings of the corporation, and in his absence the members present shall elect a chairman for the occasion. The president, or in his absence the chairman, shall have a casting vote.

Security from officers, agents, and servants.

18 It shall be lawful for the committee of management to require security to be given by any of the officers, agents, or servants appointed by them, and to determine the nature and value of such security.

Mode in which rule or order once made may be subsequently altered, amended, or cancelled.

19 No rule passed and no decision come to by the corporation in general meeting shall be altered, amended, or cancelled, except by at least a majority of two-thirds of the members present and voting at any subsequent general meeting.

Property vested in corporation.

20 (1) On the coming into operation of this Ordinance, all and every the property belonging to the said association, whether held in the name of the said association or in

the name of any person or persons in trust for the said association, shall be and the same are hereby vested in the corporation hereby constituted, and the same, together with all after acquired property and all subscriptions, contributions, donations, fines, amounts of loans and advances received or to be received, shall be held by the said corporation for the purposes of this Ordinance.

Debts due by and payable to corporation.

(2) All debts and liabilities of the said association existing at the time of the coming into operation of this Ordinance shall be paid by the corporation hereby constituted, and all debts due to, and subscriptions, contributions, fines, and amounts of loans and advances payable to the said association shall be paid to the said corporation for the purposes of this Ordinance.

Surplus funds how to be invested.

21 It shall be lawful for the committee of management to place the whole or any part of the surplus funds belonging to the corporation, and not required for loans, advances, and other current expenses, in fixed deposit in one or more of the local banks, or to invest the same in Indian Government securities or securities of the Government of the United Kingdom or of the Government of any British colony, including Ceylon, or in securities issued by any municipality in Ceylon, or in such other manner as may from time to time be approved by the Governor.

Appointment of officers, agents, &c.

22 The committee of management may from time to time under the common seal of the corporation appoint such officer or officers, agent or agents, as they may consider necessary for recovering all dividends, interest, or other revenue to be derived from such investments, or for otherwise carrying out the provisions of this Ordinance; and all persons so appointed shall hold office during the pleasure of, and shall be entitled to such remuneration as may be determined by, the said committee.

Seal of the corporation how to be affixed to instruments.

23 The seal of the corporation shall not be affixed to any instrument whatsoever, except in the presence of the president of the committee of management and of either the secretary or the treasurer, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness.

Corporation may hold property movable and immovable.

24 The corporation shall be able and capable in law to take and hold any property movable or immovable which may become vested in it by virtue of any grant, gift, testamentary disposition, or otherwise, and all such property shall be held by the corporation for the purposes of this Ordinance.

May demise lands on lease.

25 It shall be lawful for the corporation to demise any of the lands vested in it for building or other purposes, on lease for any term not exceeding ninety-nine years, reserving the best yearly or monthly rental procurable for the same, and with the ordinary covenants for re-entry in case of non-payment of rent, breach of covenant, or otherwise.

May not sell, exchange, or mortgage lands without leave of court.

26 (1) It shall not be lawful for the corporation to sell, exchange, or mortgage any of the lands vested in it without the leave of the District Court of Colombo, which leave shall be applied for by petition addressed to the said court setting out the facts and reasons for which the corporation desires to sell, exchange, or mortgage such lands, and praying for a decree of the said court.

(2) A copy of every such petition shall be served on the Attorney-General at least fourteen days before the hearing of the petition.

(3) The Attorney-General may oppose the prayer of the petition, and if, after hearing him upon such opposition, the said court shall be of opinion that it will be for the general advantage of the corporation to grant the prayer of the petition, a decree may be made to that effect; and any land so sold or exchanged or any land which, having been mortgaged, is sold in execution under a mortgage decree obtained from a competent court, shall be held by the purchaser or person taking the same in exchange free of the trusts created by this Ordinance.

Doubt or ambiguity how decided.

27 In case any doubt or ambiguity shall arise, and any controversy shall take place among the members of the corporation and of the committee of management, or either of them, as to the interpretation of this Ordinance or as to the powers of the said committee, the same shall be referred to the Governor in Executive Council, whose decision shall be final and conclusive.

4th October, 1891.

No. 6 of 1891.

An Ordinance to permit the Conditional Release of First Offenders in certain Cases.

(*See No. 3 of 1883.*)

Preamble.

WHEREAS it is expedient to make provision for cases where the reformation of persons convicted of first offences may be brought about without imprisonment: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Power to court to release upon probation of good conduct instead of sentencing to imprisonment.

1 (1) In any case in which a person is convicted of any offence punishable with not more than three years' imprisonment before any court, and no previous conviction is proved against him, if it appears to the court before whom he is so convicted that, regard being had to the youth or to the character and antecedents of the offender, or to the trivial

nature of the offence, or to any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct, the court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a recognizance, with or without sureties, and during such period as the court may direct, to appear and receive judgment when called upon, and in the meantime to keep the peace and be of good behaviour.

(2) The court may, if it thinks fit, direct that the offender shall pay to the complainant such compensation, or to the Crown by way of Crown costs such a sum of money, as the court shall think fit, and the compensation or sum of money so awarded, or some portion of the same, shall be payable within such period and by such instalments as may be directed by the court.

Provision in case of offender failing to observe conditions of his recognizances.

2 (1) If a court having power to deal with the offender in respect of his original offence, or any police court, is satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension.

(2) An offender, when apprehended on any such warrant, shall, if not brought forthwith before the court having power to sentence him, be brought before a police court, and that court may either remand him by warrant until the time at which he was required by his recognizance to appear for judgment, or until the sitting of a court having power to deal with his original offence, or may admit him to bail with a sufficient surety conditional on his appearing for judgment.

(3) Where the offender is remanded the court shall forthwith cause a warrant of commitment to be made out and signed, addressed to the fiscal or deputy fiscal for the district in which the court is situated, and the offender, together with the warrant, shall forthwith be forwarded to the prison of the district in which the court remanding him is situated, or of the district where he is bound to appear for judgment, and the warrant of remand shall order that he be brought before the court before which he was bound to appear for judgment or to answer as to his conduct since his release.

Conditions as to the abode of the offender.

3 The court before directing the release of an offender under this Ordinance shall be satisfied that the offender or his surety has a fixed place of abode or regular occupation in the division or district over which the court has jurisdiction or in which the offender is likely to live during the period named for the observance of the condition.

Definition of "court."

4 In this Ordinance the term "court" includes a police court.

Short title.

5 This Ordinance may be cited as "The Probation of First Offenders' Ordinance, 1891."

4th October, 1891.

No. 7 of 1891.

An Ordinance to amend "The Colombo Waterworks Ordinance, 1886."

(*See No. 7 of 1886.*)

Preamble

WHEREAS it is expedient to amend "The Colombo Waterworks Ordinance, 1886," hereinafter referred to as "the principal Ordinance :" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

To be read as one with the Ordinance No. 7 of 1886.

Short title.

1 This Ordinance shall be read as one with the principal Ordinance, and may be cited as "The Colombo Waterworks Ordinance, 1891," and this Ordinance and the principal Ordinance may be cited collectively as "The Colombo Waterworks Ordinances, 1886 and 1891."

Amendment of section 16 of Ordinance No 7 of 1886.

Water may be supplied for other than domestic purposes, subject to conditions made by the Governor in Executive Council

2 For section 16 of the principal Ordinance the following section shall be substituted, namely :

Independently of the water or consolidated rate leviable under section 12, and the expenses payable under section 5, the Waterworks Engineer, on behalf of the Ceylon Government, may agree with any person to supply water for other than domestic purposes, in such manner, on such terms, and subject to such conditions and regulations as may from time to time be determined and made by the Governor in Executive Council.

Amendment of section 17.

3 In section 17 of the principal Ordinance the words "by meter" shall be omitted.

Amendment of section 34.

4 For sub-section (*f*) of section 34 of the principal Ordinance the following sub-section shall be substituted, namely :

(*f*) For regulating the supply of water under section 16, and the materials and fittings to be used therefor, and the use of water meters when required.

27th October, 1891.

No. 8 of 1891.

An Ordinance providing for the Licensing and Registration of Passenger Boats.

Preamble.

WHEREAS it is expedient to provide regulations for the registration and licensing of boats used for carrying passengers for hire from any port or place in this island to any other port or place in the island, or in the sea adjacent to, or in the rivers, canals, lakes, and inland waters of this island, and for securing the better safety and comfort of such passengers and of the persons using such boats: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Definitions.

1 In this Ordinance—

"Boat" shall include all boats, padas, dhonies, kula boats, battals, ballams, canoes, and catamarans, whether impelled by steam or otherwise, and used in the sea adjacent to, or in the rivers, canals, lakes, and inland waters of this island.

"Collector of customs" shall include the principal collector, deputy collector, assistant collector, or other principal officer of customs of any port or place.

"Government agent" shall include any assistant to the government agent.

"Port" shall include all harbours, roadsteads, and places of anchorage in the island.

Passenger boats to be licensed.

2 Subject to section 12, no boat shall be used for carrying passengers for hire from any port or place in this island to any other port or place in the island, or in any portion of the sea adjacent to this island, or in any river, canal, lake, or inland water within the same, unless the owner thereof shall have obtained a license for the same from the government agent of the province in which such owner resides or exercises his calling under the provisions of this Ordinance.

Government agent to issue license on application and after inquiry.

3 Any owner of a boat who may be desirous of obtaining a license to use such boat for the purpose of carrying passengers for hire shall make an application in writing to that effect to the government agent of the province or district in which such owner resides or exercises his calling, which application shall state the number of passengers intended to be carried in such boat, and shall contain a true and full description of the names and residences of the owners or owner of the boat, and of the class of boat for which such license is desired, and such government agent.

on being satisfied, after making such inquiry as he shall deem necessary, that such boat is in good order and fit to be used for the purpose of carrying passengers, shall issue a license to the owner of such boat.

License to be stamped

4 (1) Each license for a boat shall bear a stamp of one rupee, such stamp to be supplied by the party applying for a license.

Form and duration of license.

(2) The license shall be substantially in the form A in the schedule hereto annexed, and shall specify the number of passengers and persons such boat may carry.

(3) Each license shall be in force until the thirty-first day of December in the year in and for which the same shall be granted, and no longer.

License to be numbered and registered.

5 The government agent shall number each license issued by him consecutively, commencing at the beginning of every year with the number one, and shall keep a book in which he shall register all the particulars stated in the license granted by him, and every entry in such register shall be numbered in accordance with the number of the license to which it has reference. Any authenticated copy or extract from the register shall be deemed *primâ facie* evidence of the facts stated therein.

Government agent may withdraw license.

6 It shall be lawful for the government agent to withdraw a license, after the same shall have been issued, if he has reason to believe that a boat is out of repair and not fit to be used for the purpose for which it was licensed, or if the owner shall commit any breach of the provisions of this Ordinance or the by-laws made thereunder. Provided that when a government agent withdraws a license after it is issued, he shall, if satisfied that the boat has been repaired and is fit to be used for the purpose of carrying passengers, re-issue such license free of stamp duty.

Numbered plates to be affixed to licensed boats.

7 At the time when any boat shall be licensed the government agent empowered to grant the license shall issue to the owner a plate, on which shall be legibly printed or marked a number corresponding with the number of such boat mentioned in the license for the same, together with figures or letters denoting the year in which such license has been granted, and the plate shall be placed and fixed on the boat in such manner that the number and year shall be at all times plainly and distinctly visible and legible, and shall be kept and continued so fixed during the continuance of such license; and the owner of such boat shall, at the expiration of the period for which the said license shall have been granted, return the said plate to the government agent from whom he received it.

Number of boat to be painted thereon

8 The owner of every boat shall paint or cause to be painted, and shall keep painted, in white or yellow, in English figures, and not less than nine inches in length, on a black ground, on a conspicuous part on both sides of

the bow of such boat, in a legible and distinct manner, the number of such boat as mentioned in the license, and the license of such boat may be withheld until it is so marked.

By-laws.

9 It shall be lawful for the Governor, with the advice of the Executive Council, from time to time or at any time to make, and when made revoke, add to, and alter by-laws for any of the following purposes :

For regulating the number and description of lights to be carried by any class of boats used for the purposes of carrying passengers, and for limiting the pace of such boats, and generally for providing for the safety and comfort of the passengers conveyed by any such boats, and for providing for the issue of licenses to the tindals of such boats, and for the recalling and taking away of such licenses in case of misconduct, and for regulating the number of boatmen to be employed in such boats

Publication of by-laws.

10 Any by-law when made, added to, or altered shall be published in the *Government Gazette*, and when so published shall, until the same is revoked in manner aforesaid, be as valid, legal, and effectual as if such by-law had been inserted in this Ordinance.

Penalties.

11 Any person committing any of the following acts shall be guilty of an offence, and shall on conviction be liable to a fine not exceeding one hundred rupees :

(1) Neglecting or omitting to specify truly in the application required by section 3 the name of any person who shall be an owner or part owner of any boat.

(2) Neglecting or omitting to fix the plate issued under section 7 in such manner that the number thereon shall be at all times plainly and distinctly visible and legible, or to keep and continue the same so fixed, or the number of such boat legibly and distinctly painted in manner prescribed by section 8, during the continuance of such license.

(3) Failing to return the plate to the government agent from whom he received it within thirty days after the expiration of the period for which the license shall have been granted, or using the said plate or suffering it to remain fixed in such boat after such period.

(4) Using a boat for the purpose of carrying passengers for hire without a license, or after such license shall have expired.

(5) Refusing to allow or to permit any person deputed by the government agent in writing under this Ordinance to examine any boat for the purpose of reporting thereon to the government agent.

(6) Permitting or suffering more passengers or persons to enter a boat than such boat is authorized by the license to carry.

(7) Committing a breach of any by-law made under the provisions of this Ordinance.

(8) Plying a boat licensed under this Ordinance for hire in any port which has been declared by Proclamation to have been brought within the provisions of "The Masters Attendant's Ordinance, 1865," without having obtained a license under such Ordinance.

Saving clause.

12 Nothing in this Ordinance contained shall authorize a government agent to issue a license to any owner of a boat to use a boat for the purpose of the conveyance of passengers for hire in any port which has been declared by Proclamation to have been brought within the provisions of "The Masters Attendant's Ordinance, 1865," nor shall the owner of any boat used for the purpose of conveying passengers for hire in any port which has been duly licensed under the provisions of the said Ordinance, whilst plying for hire within the limits of such port, be subject to the provisions of this Ordinance or be liable to prosecution for the breach of any provision herein.

Execution of Ordinance may be delegated to master attendant or collector of customs.

13 The Governor in Executive Council may by notification in the *Government Gazette* delegate the enforcement and execution of any provisions of this Ordinance in respect of boats which are used for carrying passengers by sea from any port or place to any other port or place to the master attendant or collector of customs of any such port or place, and may authorize such master attendant or collector of customs to perform all or any of the powers and duties vested in and imposed on the government agent under this Ordinance, subject to such restriction as the Governor in Executive Council may from time to time think fit to impose.

Burden of proof.

14 Where a person is charged with any offence against sub-section 4 of section 11 of this Ordinance, and it is established by the prosecution to the satisfaction of the court that there were more persons carried in such boat than were necessary for its working, such person shall be presumed to have used such boat for the purpose of carrying passengers for hire, unless and until he shows to the satisfaction of the court before which he is charged that none of the persons in such boat were carried for hire, and for this purpose he may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon may give evidence in the same manner and with the like effect and consequences as any other witness.

Repeal

15 The Ordinance No. 7 of 1877, intituled "An Ordinance to regulate and control Inland Steam Navigation," and chapter XXVI. of schedule A of the Ordinance No. 16 of 1881 and section 17 of the Ordinance No. 3 of 1886 are hereby repealed.

SCHEDULE.

Form A.

Whereas *A. B.*, of ———, in the ——— Province, has applied for a license under the Ordinance No. 8 of 1891, and has made and signed the application thereby required : license is hereby granted unto him to use the said boat bearing No. ——, for the purpose of carrying passengers for hire from the date hereof until the 31st day of December next. Provided that such boat shall not carry more than ——— passengers and ——— persons.

Given under my hand this ——— day of ———, 18 —.

———

Government Agent.

4th November, 1891.

No. 9 of 1891.

An Ordinance relating to Cattle Disease.

WHEREAS it is expedient to provide against cattle disease being introduced or spreading in this colony : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows : Preamble.

1 In this Ordinance, unless the context otherwise requires— Definitions.

"Disease" shall mean murrain, rinderpest, foot-and-mouth disease, pleuro-pneumonia, and shall include the diseases known by the Sinhalese and Tamil names specified in the schedule hereto. Provided that it shall be lawful for the Governor in Executive Council, by Proclamation in the *Government Gazette*, to extend the definition of "disease" so that the same shall comprise any other disease of cattle in addition to the diseases mentioned in this Ordinance. "Disease."

"Cattle" shall mean bulls, cows, bullocks, buffaloes, heifers, steers. and calves. "Cattle."

"Government agent" shall include the assistant government agent of a district. "Government agent."

"Diseased" shall mean affected with "disease." "Diseased."

"Suspected" shall mean suspected on reasonable grounds of being diseased. "Suspected."

"Division" shall mean any village or group of villages, or any estate or group of estates, or any portion or portions of a revenue district proclaimed by the government agent under sections 3 and 4. "Division."

"Carcase" shall mean the carcase of any cattle, and shall include part of a carcase and the meat, bones, hide, skin, hoofs, horns. offal, or other part of any cattle separately or otherwise, or any portion thereof. "Carcase."

"Fodder."

"Fodder" shall mean grass or other substance commonly used for food for cattle.

"Litter."

"Litter" shall mean straw or other substance commonly used for bedding or otherwise for or about cattle.

"Owner."

"Owner" shall include a part owner or hirer of any cattle, and any person who takes care of any cattle on condition of receiving part of the produce thereof.

Notice of disease.

2 Every person having in his possession or under his charge any diseased cattle shall keep such cattle separate from other cattle, and shall with all practicable speed give notice of the fact of the cattle being diseased to the nearest headman or police officer, who shall forthwith give information thereof to the government agent.

Government agent to declare existence of disease.

3 Where it appears to the government agent that disease exists or has within ten days existed in a cattle shed, field, chena, garden, tank, or other place, he shall forthwith make and sign a declaration thereof, and shall proclaim by beat of tom-tom or in such other manner as he may deem fit any division within which such cattle shed, field, chena, garden, tank, or other place is situated, an infected area.

Proclamation how published.

4 Every such proclamation shall specify the limits of such division, and the date from which such proclamation shall take effect, and a copy thereof shall be published in the *Government Gazette.*

Government agent's proceedings to be reported to Governor

5 The government agent shall forthwith forward to the Governor a copy of his declaration, and report all proceedings taken thereon.

Governor in Executive Council may curtail or extend limits of area.

6 The Governor in Executive Council may from time to time, if he thinks fit, on any evidence satisfactory to him, by order published in the *Government Gazette*, revoke such proclamation or curtail or extend the limits of an infected area as proclaimed by the government agent.

Infected area may be declared free from disease by government agent.

7 Where a government agent has proclaimed an infected area, he may, if he thinks fit, at any time thereafter, declare such area to be free from disease, and no longer an infected area, and such declaration shall be proclaimed and published in the same manner as provided in sections 3 and 4.

Portions of such area may be declared free from disease by Governor in Executive Council.

8 It shall be lawful for the Governor in Executive Council, if he thinks fit, at any time to declare by order published in the *Government Gazette* any particular portion or portions of any infected area to be free from disease.

Isolating of cattle.

Prevention of over-crowding. &c.

9 It shall be lawful for the government agent to order the owner or person in charge of any cattle within any infected area to isolate the diseased cattle, to clean and disinfect the grounds and buildings in which cattle are or may be kept, to bury any carcase that may be found in such ground or building, and to give such other orders as he may deem necessary to prevent the overcrowding of cattle within such grounds or buildings.

10 If any owner or person in charge of any cattle shall neglect or disobey any order given by the government agent under the last preceding section, it shall be lawful for the government agent to execute or cause to be executed such order, and in such case the amount of expenses incurred in and about the execution of such order shall be certified by the government agent, after due inquiry, under his hand to the nearest police magistrate, and shall be recoverable in the same way as if it were a fine imposed by such magistrate.

Expenses of carrying out government agent's orders how recoverable in case of neglect of owner.

11 (1) No person shall remove any portion of the carcase or any fodder, utensil, dung, or litter of cattle from an infected area.

Prohibitions as to infected areas.

(2) No person shall remove cattle to or from an infected area, unless he shall have obtained a special permit for that purpose from the government agent, who may at his discretion issue or refuse to issue such permit.

(3) No person shall drive or cause to be driven any cattle into, out of, or through any part of an infected area without a permit from the government agent of the district, who may at his discretion grant or refuse such permit. Every such permit when granted shall be in writing, and shall specify the route such cattle shall take, and the time within which they shall be taken along such route. Provided that in the case of cattle engaged in cart transport and attached to carts, no such permit shall be necessary when they are travelling along a cart road which has not been closed under the provisions of section 12.

(4) No person shall dig up the carcase of any cattle buried within an infected area.

12 (1) It shall be lawful for the government agent to proclaim, by affixing notices of such proclamation on some conspicuous place at each end of any road or portion thereof, as well as by beat of tom-tom or in such other manner as he may deem fit, that such road or portion thereof in an infected area shall be closed to all cattle traffic for the period specified in such proclamation, and upon such proclamation being issued no person shall take any cattle along such road or portion thereof, whether for purposes of transport or otherwise during such period as aforesaid.

Roads may be closed to all cattle traffic.

Provided that no road or portion thereof shall be closed for a longer period than ten days without the sanction of the Governor.

(2) The Governor in Executive Council may by order published in the *Government Gazette* cancel any proclamation made by the government agent under this section.

13 Whenever a vessel shall arrive at any port or place in the colony from any other port or place in or without the colony in which disease is known to prevail, or having on board cattle suffering from disease, or on board of which

Quarantine.

disease may have appeared in the course of the voyage, the master attendant of such port or place of arrival may, if he shall see fit to do so, cause the said vessel to be placed in quarantine in so far as not to allow any of the cattle to be landed for such time as he shall determine. So long as such vessel is in quarantine, the owner or person in charge of any cattle on board thereof shall provide a sufficient supply of water and food for such cattle, and on failure thereof it shall be lawful for any person authorized by the master attendant to provide such water and food ; and the amount of expenses incurred in that behalf when certified under the hand of the master attendant to the nearest police magistrate shall be recoverable from the owner of such cattle as if it were a fine imposed by such magistrate.

Master attendant may allow cattle to be landed

14 The master attendant may, if he shall see fit to do so, allow the cattle or any portion of them to be landed and detained in quarantine at such place and for such time as he shall deem necessary, and such cattle may thereupon be landed and detained at such place and for such time as aforesaid

Regulations and orders

15 The Governor in Executive Council may from time to time make, and when made revoke or vary such regulations and general or special orders as he may think fit, not inconsistent with the provisions of this Ordinance, for the following purposes or any of them :

(i.) For prescribing and regulating the destruction, burial, disposal, or treatment of carcases, fodder, litter, utensils, dung, or other things being in an infected area or removed thereout.

(ii.) For prescribing and regulating the disinfecting of the clothes of persons coming in contact with or employed about diseased or suspected cattle, and the use of precautions against the spreading of disease by such persons.

(iii.) For prohibiting the exposure of diseased or suspected cattle in markets, sale yards, or other public or private places.

(iv.) For prohibiting or regulating the sending or carrying of diseased or suspected cattle, or of dung or other thing likely to spread disease, or the causing the same to be sent or carried on railways, canals, rivers, or in vessels, or otherwise.

(v.) For prohibiting or regulating the carrying, leading, or driving of diseased or suspected cattle, or causing them to be carried, led, or driven on highways or thoroughfares or elsewhere.

(vi.) For prohibiting or regulating the placing or keeping of diseased or suspected cattle on chenas or unenclosed lands, or in fields or other places insufficiently fenced, or on or near the sides of highways.

(vii.) For prescribing and regulating the seizure, detention, destruction, and disposal of diseased or suspected cattle exposed, carried, kept, or otherwise dealt with in contravention of regulations made under this Ordinance, or of any order made by the Governor in Executive Council; and for prescribing and regulating the liability of the owner or consignor or consignee of the cattle to the expenses connected with the seizure, detention, destruction, and disposal thereof.

(viii.) For prescribing and regulating the issuing and production of permits required under this Ordinance.

(ix.) For prohibiting or regulating the holding of markets and fairs for the sale of cattle.

(x.) For prescribing and regulating the cleansing and disinfecting of places used for the holding of markets and fairs for the sale of cattle, and yards, sheds, stables, and other places used for cattle.

(xi.) For prescribing modes of cleansing and disinfecting.

(xii.) For protecting cattle from unnecessary suffering during inland transit.

(xiii.) For securing a proper supply of water and food to cattle during any detention thereof.

(xiv.) For the appointment of officers to carry out the provisions of this Ordinance, or of any regulations or orders made thereunder, and for regulating their duties and conduct, and for investing them with all powers necessary for the due execution of their duties.

(xv.) For prescribing the publication of any regulations or orders made under this Ordinance, and for prescribing and regulating the form and mode of service or delivery of notices and other documents.

(xvi.) Generally for the better execution of this Ordinance or for the purpose of in any manner preventing the introduction or spread of disease.

Offences.

16 If any person without lawful authority or excuse does or omits to do anything which, under the provisions of this Ordinance or of any regulations or orders made thereunder, he ought not to do or omit, or if he obstructs or impedes or assists in obstructing or impeding any officer appointed under this Ordinance, or any headman or police officer, in the execution of this Ordinance, or of any regulation or order made thereunder, he shall be guilty of an offence against this Ordinance.

Punishment.

17 (1) If any person is guilty of an offence against this Ordinance he shall be liable on conviction before a magistrate to a fine not exceeding twenty rupees.

(2) A person convicted of any offence against this Ordinance, who is within a period of twelve calendar months convicted of a second or subsequent like offence against this Ordinance, shall be liable to a fine not exceeding fifty rupees.

(3) Nothing in this section contained shall affect the liability of any person to any punishment or penalty to which he is liable under any enactment other than this Ordinance, but so that a person shall not be punished twice for the same offence.

Vexatious conduct of officers.

18 Every person acting under the authority of this Ordinance who shall, under pretence of performing any act under the authority of this Ordinance, use any unnecessary violence or give any uncalled for and vexatious annoyance, shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding fifty rupees.

Duties of inspectors and police officers

19 (1) When a person is seen or found committing, or is reasonably suspected of being engaged in committing an offence against this Ordinance, any officer appointed under this Ordinance, or any headman or police officer, may, without warrant, stop and detain him, and if his name and address are not given by him may, without warrant, apprehend him.

(2) If any person obstructs or impedes an officer appointed under this Ordinance, or any headman or police officer, in the execution of his duties under this Ordinance, or under any regulation or order made thereunder, or assists in any such obstructing or impeding, he may be apprehended by such officer, headman, or police officer without warrant.

(3) A person apprehended under this section shall be taken forthwith before a police magistrate.

(4) Nothing in this section shall take away or abridge any power or authority that a police officer would have had if this section had not been enacted.

Village tribunal may try cases of first offences

20 In the case of a first offence against this Ordinance, it shall be lawful for any village tribunal, within the limits of whose jurisdiction such offence is committed, to try the offender and to exercise each and every of the powers which a police magistrate in a like case may exercise, anything in "The Village Communities' Ordinance, 1889," to the contrary notwithstanding.

Accused may give evidence.

21 A person charged with an offence against this Ordinance may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon may give evidence in the same manner and with the like effect and consequences as any other witness.

Officers to be public servants.

22 Officers appointed under this Ordinance shall be deemed public servants within the meaning of the Ceylon Penal Code.

Execution of regulations may be delegated to local authority.

23 The Governor in Executive Council may by notification in the *Government Gazette* delegate the enforcement and execution of any provisions of this Ordinance, or of any regulation or order made under this Ordinance, to the chairman of any municipal council or local board, and may

authorize such chairman to exercise and perform within municipal or local board limits all or any of the powers and duties vested and imposed on the government agent under this Ordinance, subject to such restrictions as the Governor in Executive Council may from time to time think fit to impose.

24 All regulations and all general or special orders made under this Ordinance shall be published in the *Government Gazette.* Regulations and orders to be published.

25 This Ordinance may be cited as "The Cattle Disease Ordinance, 1891," and it shall come into operation at such time as the Governor shall, by Proclamation in the *Government Gazette*, appoint.* Short title. Commencement.

SCHEDULE.

Kuraleḍa කුරලෙඩ	Máṭṭukótári மாட்டுக்கொத்தரி
Wasangataróga වසංගතරෝග	Kalnóì கால்நோய

11th November, 1891.

No. 10 of 1891.

An Ordinance to prevent the wanton destruction of Elephants, Buffaloes, and other Game.

WHEREAS it is expedient to prevent the wanton destruction of wild elephants, wild buffaloes, and other game in this island: Be it enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows: Preamble.

1 This Ordinance shall come into operation at such time as the Governor shall appoint by Proclamation to be published in the *Government Gazette.*† Commencement.

2 There shall be repealed, as from the commencement of this Ordinance, the enactments specified in schedule I. to this Ordinance, to the extent in the third column of that schedule mentioned. Repeal.

Provided that such repeal shall not affect the past operation of, or any liability, penalty, forfeiture, or punishment incurred under, any enactment hereby repealed, or any investigation or legal proceeding in respect of any such liability, penalty, forfeiture, or punishment as aforesaid.

* Proclaimed the 10th day of June, 1892.
† Proclaimed the 12th day of February, 1892.

Where any unrepealed Ordinance incorporates or refers to any provision of any enactment hereby repealed, such unrepealed Ordinance shall be deemed to incorporate or refer to the corresponding provision of this Ordinance.

Interpretation

3 In this Ordinance, unless the context otherwise requires—

"Government agent" shall mean the government agent of a province or any assistant to the government agent.

"Tusker" shall mean any wild elephant having a tusk or tusks.

"Elephant" shall mean a wild elephant other than a tusker.

"Buffalo" shall mean a wild buffalo.

"Game" shall mean sambur, spotted deer, red deer, barking deer, and peafowl.

"Shoot at" shall mean shooting at with a loaded gun, rifle, or other weapon.

No person to kill or capture elephants, buffaloes, or game without a license

4 Subject to section 9, it shall be unlawful for any person to do any of the following acts:

(1) To shoot at or kill any tusker.

(2) To shoot at or kill any elephant, buffalo, or game, or capture any tusker or elephant, buffalo, or game, without having obtained a license for that purpose as hereinafter provided.

License to kill elephants.

5 (1) A license to shoot at or kill an elephant shall be subject to a stamp duty of one hundred rupees, and shall be in the form A in the schedule II. hereto, and the said license shall be subject to the conditions inscribed thereon by the officer granting the same.

License to capture elephants.

(2) A license to capture a tusker or an elephant shall be subject to a stamp duty of ten rupees, and shall be in the form B in schedule II. hereto, and subject to the conditions inscribed thereon by the officer granting the same.

License to kill buffaloes.

(3) A license to shoot at or kill a buffalo shall be subject to a stamp duty of twenty rupees, and shall be in the form C in schedule II. hereto, and subject to the conditions inscribed thereon by the officer granting the same.

License to capture buffaloes.

(4) A license to capture a buffalo shall be subject to a stamp duty of two rupees, and shall be in the form D in schedule II. hereto, and subject to the conditions inscribed thereon by the officer granting the same.

License to kill game.

(5) A license to shoot at, kill, or capture game shall be subject to an annual stamp duty of three rupees and fifty cents, and shall be in the form E in schedule II. hereto, and subject to the conditions inscribed thereon by the officer granting the same. Every such license shall be in force from the date of issue until the 30th day of June next following, both dates inclusive. Provided that such license shall be void and of no effect in the close season.

Close season excepted.

6 (1) It shall be lawful for the Colonial Secretary, or for the government agent within his jurisdiction, to issue the license mentioned in sub-section (1) of the preceding section, and for the government agent to issue any of the licenses mentioned in sub-sections (2), (3), (4), and (5) of the said section.

Colonial Secretary or government agent to issue licenses.

(2) The Colonial Secretary or government agent may attach to any license issued by him any conditions he may deem fit, and may fix the limits within which, and in the case of any license mentioned in sub-sections (1), (2), (3), and (4) of the preceding section the period (not exceeding three months) during which, any license shall be in force. Such conditions, period, and limits shall be inscribed on the license itself.

(3) Every such license shall cease to be of any force or effect upon the expiration of the period therein mentioned.

7 (1) The Colonial Secretary or the government agent may at his discretion refuse to issue any license under this Ordinance, and may revoke any license which shall have been issued by him.

Refusal or revocation of license.

(2) Any person aggrieved by any order of the government agent refusing to grant or revoking a license may appeal to the Governor in Executive Council within seven days from the date of such order being communicated to him, and the decision of the Governor in Executive Council shall be final and conclusive.

8 (1) The government agent may issue a license free of stamp duty for the destruction of any troublesome or dangerous tusker, elephant, or buffalo.

Destruction of dangerous or troublesome elephants or buffaloes.

(2) The government agent on issuing any license under this section shall forthwith report the same to the Governor, detailing in such report the circumstances under which such license was issued.

9 It shall be lawful for any person to kill, shoot at, or destroy without a license any tusker, elephant, buffalo, or game while trespassing in or upon any cultivated land; provided that information of the destruction of such animal shall be forthwith given to the nearest headman or police officer.

Destruction of elephants or buffaloes trespassing on cultivated lands.

10 Every tusker or elephant whether wild or tame removed from this island to any place beyond the seas shall be subject to the payment of a royalty of two hundred rupees, and such royalty shall be collected by the officers of customs at the various ports of shipment throughout the island.

Royalty on elephants.

11 The following penalties are imposed for the following acts, which are hereby declared to be offences:

Penalties.

(*a*) Any person who in contravention of this Ordinance shall shoot at or kill a tusker shall be liable to a fine of one thousand rupees, and the tusks shall be confiscated.

(*b*) Any person who in contravention of this Ordinance, or contrary to the tenor of any license issued to him, shall shoot at or kill an elephant or capture a tusker or elephant, shall be liable for each offence to a fine not exceeding two hundred and fifty rupees, or to rigorous imprisonment which may extend to a period of six months, or to both.

(*c*) Any person who in contravention of this Ordinance, or contrary to the tenor of any license issued to him, shall shoot at, kill, or capture a buffalo, shall be liable for each offence to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for a period not exceeding three months, or to both.

(*d*) Any person who in contravention of this Ordinance, or contrary to the tenor of any license issued to him, shall shoot at, kill, or capture game, shall be liable to a fine not exceeding thirty rupees for each animal so shot at, killed, or captured, or to simple or rigorous imprisonment for a period not exceeding three months, or to both.

(*e*) Any person who shall transfer a license issued to him under the provisions of this Ordinance, or who shall accept a license so transferred, or who shall infringe any of the conditions of a license issued to him, shall be liable to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for a period not exceeding three months, or to both.

Shooting at night and netting prohibited.

12 It shall not be lawful for any person to shoot at any game, unless trespassing in or upon any cultivated land, after dark and before daylight, or at any time to lay or spread any net or snare, except in or upon any cultivated land, for the purpose of capturing or destroying any game; and any person who shall shoot or attempt to shoot any game, or lay or spread or attempt to lay or spread any net or snare for the purpose of capturing or destroying any such game in contravention of this section, shall be guilty of an offence, and be liable on conviction to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment not exceeding three months, or to both.

Close season.

13 (1) It shall be lawful for the government agent of any province to declare, by notification in the *Government Gazette*, and by beat of tom-tom and by such other means as shall give due publicity thereto, what shall be deemed the close season in such province, or in certain districts thereof, for a period not exceeding five months during the year. It shall not be lawful for any person with or without a license to shoot at or kill game within such province or districts during the period so declared close.

Penalty.

(2) And any person who shall shoot, kill, or capture game within any province or district in respect of which the close season shall have been declared, and during the period so

declared close, shall be guilty of an offence, and be liable on conviction to a fine of fifty rupees, or to simple or rigorous imprisonment not exceeding three months, or to both.

(3) Any person in whose possession shall be found during the period which shall have been declared close in any province or district any meat of game which he shall not be able to account for satisfactorily, shall be liable to a fine not exceeding fifty rupees, or to simple or rigorous imprisonment for a period not exceeding three months, or to both.

Jurisdiction given to police courts.

14 Police courts are hereby empowered to deal summarily with all cases instituted under this Ordinance, and to impose the full penalties herein prescribed, anything in "The Criminal Procedure Code, 1883," or in any other Ordinance to the contrary notwithstanding.

Informer's share of fine.

15 It shall be lawful for any police magistrate to direct that any sum not exceeding one-half of the fine actually recovered and realized under the provisions of this Ordinance shall be paid to the informer.

Burden of proof.

16 In any prosecution instituted under this Ordinance against any person for having shot at, killed, or captured an elephant, buffalo, or game, or captured a tusker, without a license, the burden of proof that he holds a license shall lie on the party accused, and until the contrary shall be proved he shall be deemed to have no license.

SCHEDULE I.

No. and Year	Title.	Extent of Repeal
13 of 1869...	An Ordinance to prevent the wanton destruction of Elephants and to restrict their removal from the Island	The whole Ordinance
6 of 1872...	An Ordinance to prevent the wasteful destruction of Buffaloes and Game throughout the Island	The whole Ordinance
24 of 1889...	An Ordinance relating to Village Communities	Only sub-section (19) of section 6

SCHEDULE II.

A.—License to shoot at or kill one Elephant, not being a Tusker.

(*Not transferable.*)

No. ——. [Stamp Rs. 100.

Under the provisions of the Ordinance No. 10 of 1891, section 5 (1), I, ———, do hereby license ———, of ———, to shoot at or kill one elephant, not being a tusker, within (*state limits*).

This license to remain in force until the ———, 18 —.

———

———, 18 —.

NOTE.—This license is issued subject to the conditions inscribed on the back hereof.

Game.

B.—License to capture one Elephant or Tusker.

(*Not transferable.*)

No. ——. [Stamp Rs. 10.

Under the provisions of the Ordinance No. 10 of 1891, section 5 (2), I, ———, Government Agent (*or* Assistant Government Agent) for the ———, do hereby license ———, of ———, and the trappers employed by him, to capture one elephant or a tusker within (*state limits*).

This license to remain in force until the ———, 18 —.

Government Agent's Office,
(*or* Assistant Government Agent's Office,) ———
———, 18 —. Government Agent
(*or* Assistant Government Agent).

NOTE.—This license is issued subject to the conditions inscribed on the back hereof.

C.—License to shoot at or kill one Buffalo.

(*Not transferable.*)

No. ——. [Stamp Rs. 20.

Under the provisions of the Ordinance No. 10 of 1891, section 5 (3), I. ——— , Government Agent (*or* Assistant Government Agent) for the ———, do hereby license ———, of ———, to shoot at or kill one buffalo within (*state limits*).

This license to remain in force until the ———, 18 —.

Government Agent's Office,
(*or* Assistant Government Agent's Office,) ———
———, 18 —. Government Agent
(*or* Assistant Government Agent).

NOTE.—This license is issued subject to the conditions inscribed on the back hereof.

D.—License to capture one Buffalo.

(*Not transferable.*)

No. ——. [Stamp Rs. 2.

Under the provisions of the Ordinance No. 10 of 1891, section 5 (4), I, ———, Government Agent (*or* Assistant Government Agent) for the ———, do hereby license ———, of ———, to capture one buffalo within (*state limits*).

This license to remain in force until the ——— , 18 —.

Government Agent's Office,
(*or* Assistant Government Agent's Office,) ———
———, 18 —. Government Agent
(*or* Assistant Government Agent).

NOTE.—This license is issued subject to the conditions inscribed on the back hereof.

E.—License to shoot at, kill, or capture Game.

(*Not transferable.*)

No. ——. [Stamp Rs. 3·50.

Under the provisions of the Ordinance No. 10 of 1891, section 5 (5), I, ———, Government Agent (*or* Assistant Government Agent) for the ———, do hereby license ———, of ———, to shoot at, kill, or capture game within (*state limits*), out of the close season (which is from ——— to ———).

This license to remain in force until the 30th June next inclusive, excepting the close season, which is from ——— to ———.

Government Agent's Office,
(*or* Assistant Government Agent's Office,) ———
———, 18 —. Government Agent
(*or* Assistant Government Agent).

NOTE.—This license is issued subject to the conditions inscribed on the back hereof.

18th November, 1891.

No. 11 of 1891.

An Ordinance to re-adjust the Customs Duties leviable on Firearms, and to impose an Export Duty on certain Hides and Horns.

(*See No. 17 of 1869.*)

Preamble.

WHEREAS it is expedient to re-adjust the customs duties leviable under Ordinances Nos. 17 of 1869, 14 of 1871, and 39 of 1884, respectively, on certain articles imported into this colony, and to levy duties on certain articles heretofore exempt from duty when exported therefrom: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

To be read with Ordinances Nos. 17 of 1869, 14 of 1871, and 39 of 1884.

1 This Ordinance and the schedule hereto annexed, so far as they are consistent therewith, shall be construed and read as one with the Ordinances Nos. 17 of 1869, 14 of 1871, and 39 of 1884.

Duties imposed on arms imported.

2 From and after the time when this Ordinance shall come into operation, the several duties of customs, as the same are respectively inserted, described, and set forth in figures in the schedule hereto annexed, shall be levied

and paid upon the several articles in the said schedule mentioned when imported into this colony, anything in the aforesaid Ordinances Nos. 17 of 1869, 14 of 1871, and 39 of 1884 to the contrary notwithstanding.

Duty to be levied on hides and horns of spotted deer and sambur.

3 From and after the time when this Ordinance shall come into operation, it shall be lawful for the Governor, with the advice of the Executive Council, from time to time by Proclamation in the *Government Gazette*, to impose a duty, and the same from time to time to increase or reduce, not exceeding twelve rupees per hundredweight on all hides and fourteen rupees per hundredweight on all horns, respectively, of spotted deer and sambur when exported from this colony, anything in the said Ordinances Nos. 17 of 1869 and 14 of 1871 to the contrary notwithstanding. Such duty shall be collected and received by the proper officers of the Customs Department; and the payment thereof shall be enforced under the provisions of the said Ordinances.

Governor may prohibit exportation of articles mentioned in section 3 for specified periods.

4 The Governor may, with the advice and consent of the Executive Council, by Proclamation to be published in the *Government Gazette*, from time to time prohibit the exportation of any or all of the articles mentioned in section 3, during such period or periods of time as may seem expedient, and any such Proclamation in like manner may alter, amend, or revoke, and it shall be unlawful for any person or persons after such Proclamation during any such period or periods to export any of the articles specified therein, and any person or persons exporting or attempting to export any such articles during any such period or periods shall be guilty of an offence, and shall be liable on conviction to simple or rigorous imprisonment for a term which may extend to six months, or to a fine not exceeding one hundred rupees, or to both.

Penalty for exporting during prohibited periods.

Operation

5 This Ordinance shall come into operation at such time as the Governor shall, by Proclamation to be published in the *Government Gazette*, appoint.*

SCHEDULE.

Import Duty.

Articles.		Rs.	c.
Arms :—			
Fowling pieces, guns, and rifles, single-barrelled ...	each	5	0
Fowling pieces, guns, and rifles, double-barrelled, revolving or magazine	each	10	0

18th November, 1891.

* Proclaimed the 1st day of January, 1892.

No. 12 of 1891.

An Ordinance to consolidate and amend the Licensing Ordinances of 1873 and 1877.

WHEREAS it is expedient to consolidate and amend the law contained in the Licensing Ordinances, No. 7 and No. 22 of 1873 and No. 23 of 1877 : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows : Preamble.

1 This Ordinance shall come into operation at such time as the Governor shall, by Proclamation published in the *Government Gazette*, appoint.* Commencement of Ordinance.

2 This Ordinance may be cited as "The Licensing Ordinance, 1891." Short title.

3 The Ordinances in the schedule A hereto are repealed to the extent specified in the second column of that schedule, except as to liabilities which shall have been incurred, acts which shall have been done, and all proceedings or matters which shall have taken place before this Ordinance comes into operation. Repeal of certain Ordinances.

Where any unrepealed Ordinance incorporates or refers to the provisions of any Ordinance hereby repealed, such unrepealed Ordinance shall be deemed to incorporate or refer to the corresponding provisions of this Ordinance.

4 The following expressions in this Ordinance shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction : Interpretation clause.

"Spirits" shall include all spirits obtained from any substance other than the produce of the cocoanut or other description of palm or sugarcane.

"Intoxicating liquor" shall include wine, beer, porter, cider, perry, and sweets, and any fermented distilled, or spirituous liquor, not being the produce of the cocoanut or other description of palm, or sugarcane, but not ginger beer or spruce beer.

"Government agent" shall include any assistant to the government agent of the province.

"Wholesale" shall mean the sale of goods in gross or in parcels of or exceeding a dozen quart bottles or two gallons of the same kind of liquor.

"Retail" shall mean the sale of goods not in gross, but in parcels of less than a dozen quart bottles or two gallons of the same kind of liquor.

* Proclaimed the 1st day of July, 1892.

"Hotel" shall mean a place kept for the accommodation of travellers and others, where they are furnished for payment with lodging, food, and intoxicating liquor.

"Proprietary club" shall mean a place which is kept for the accommodation of persons who are members of a club, and in which they are furnished by the proprietor with lodging, food, and intoxicating liquor for payment.

"Refreshment house" shall mean a place where the public are furnished for payment with food and intoxicating liquor, but where no lodging is provided.

"Tavern" shall mean tavern or shop licensed for the sale of arrack, rum, and toddy, under the Ordinance No. 10 of 1844, or any other Ordinance to be hereafter enacted instead of it.

"Keeper of tavern" shall mean the keeper of tavern or shop in the preceding article specified.

"Licensed person" shall mean a person holding a license, as defined by this Ordinance.

"Superintendent of police" shall mean any superintendent, or any assistant superintendent of police, or any police officer not under the rank of inspector.

"Annual value" shall mean the annual value as assessed for municipal or local board purposes; and where any premises shall not be so assessed, the annual value thereof shall be the gross annual amount at which such premises can reasonably be expected to let in average years without any deduction for expenses of repair, maintenance, or upkeep, or for public rates and taxes, and the government agent shall assess such amount. Provided that any applicant for a license who may be dissatisfied with the government agent's assessment shall have the right to object thereto, within seven days after he shall have received a written notice of such assessment, before the nearest court of requests, which shall decide upon such objection in a summary way; and the decision of such court shall be final and conclusive.

Manufacturing or bottling spirits for sale prohibited without license.

License may be refused or revoked.

5 It shall not be lawful for any person to manufacture spirits in Ceylon, or to bottle spirits so manufactured for sale in Ceylon, without first procuring a license from the government agent of the province. Such license shall be in force for such term as shall therein be prescribed, and the process of manufacture and the substance to be used therefor shall be described in any license for manufacture. The government agent may, with the sanction of the Governor, refuse such license or revoke the same, after it shall have been granted, if it shall appear to him expedient to do so. Mixing spirits with other spirits or any substance whatsoever shall be deemed a manufacture of spirits for the purposes of this Ordinance.

6 Every person so manufacturing and bottling spirits for sale shall be bound to cause the vessels containing the same to be labelled in distinct letters in English, with the name of the spirit, and the name and address of the manufacturer and bottler.

Label on spirits manufactured and bottled.

7 Any person so manufacturing or bottling spirits for sale without such license or contrary to its tenor, or who shall fail to cause the vessels containing the same to be labelled as above provided, and any person not giving the true name of the spirit or his own true name and address, shall be guilty of an offence, and be liable to a fine not exceeding two thousand rupees or to simple or rigorous imprisonment for a period not exceeding two years. And the spirits and vessels containing the same shall be forfeited and liable to be sold or destroyed.

Penalty for manufacturing or bottling without license.

8 No person shall, without being licensed to do so, or on any premises to which his license does not extend—

(*a*) Sell intoxicating liquor by wholesale or by retail ; or

(*b*) Keep an hotel or a proprietary club or refreshment house.

Sale of intoxicating liquor and keeping of hotel, &c., without license prohibited.

9 (1) Any person who may be desirous to sell intoxicating liquor, or to keep an hotel or a proprietary club or refreshment house, shall apply in writing for a license to the government agent of the province within which such sale is intended to be carried on, or such hotel, proprietary club, or refreshment house is to be kept. The application shall contain a true and full description of the name and residence of the person making the same, and of the place at which such sale is intended to be carried on, or such hotel, proprietary club, or refreshment house is to be kept, and, in the case of an application to sell intoxicating liquor, the applicant shall state whether he purposes to sell by wholesale or by retail, whether he purposes to sell intoxicating liquor generally, or only beer and porter, and whether or not such liquor is intended to be consumed on the premises within which the same is sold. Provided that where the application is one to sell intoxicating liquor by retail, the applicant shall cause notices signifying his intention to apply to be affixed in the English, Sinhalese, and Tamil languages on the premises in which he means to sell the liquor, and on the walls of the kachchéri and police court of the district within which such premises are situate, one month before he shall make such application.

Application for license.

(2) Any person objecting to any application to sell intoxicating liquor by retail may state his objection in writing to the said government agent at any time during the month that the notice shall be affixed as above provided, and the government agent shall inquire into such objection.

(3) It shall be lawful for the government agent to refuse or issue a license to sell intoxicating liquor by retail as to him shall seem fit, whether any objection shall have been made to the application or not.

Government agent may issue or refuse a license.

(4) The government agent may at his discretion refuse or issue any other license required by this section, provided that such refusal shall with all despatch be reported to the Governor.

(5) It shall be open to any person to whom a license shall have been refused, or to any person whose objection shall have been overruled, to apply to the Governor, who shall confirm or reverse such refusal, or such overruling of any objection, as to him, with the advice of the Executive Council, shall seem fit.

(6) The license when issued shall specify the name and residence of the person to whom it is granted, the place where such hotel, proprietary club, or refreshment house is to be kept, or the place where intoxicating liquor is to be sold, whether intoxicating liquor generally is to be sold in such place or any particular description thereof, and whether or not it is to be consumed on the premises within which it is sold.

Duration of license.

(7) The license shall be in force on and from the day on which the same shall be granted until the thirtieth day of June next thereafter inclusive.

Permit to sell temporarily.

10 Nothing in this Ordinance contained shall be held to prevent the government agent from issuing to any person holding a license which entitles him to sell intoxicating liquor by retail to be consumed on the premises a written permit authorizing the sale of such liquor temporarily in any place other than the place specified in the license, on the occasions of large gatherings of people for purposes of reasonable recreation, and under conditions to be mentioned in such permit. The government agent shall levy at his discretion a stamp duty not exceeding five rupees for every twenty-four hours such permit is in force.

No license to be given except to house or room having entrances facing the street, or to hotel, &c., having suitable accommodation.

License not transferable.

11 No license shall be granted for the sale of intoxicating liquor by retail in any house or room except in a house or room having entrances facing the street, and open as much as possible to public view. No license shall be granted for the keeping of an hotel or a proprietary club or refreshment house except in premises containing suitable accommodation for the purposes intended, and decent places of convenience on or near the premises so as to prevent nuisances and offences against decency. Every license shall particularly set forth and describe the house, room, or premises licensed, or intended to be licensed, and such license shall in no case be assignable or transferable, nor shall any person be deemed entitled to sell under any license except any person actually named in such license, and persons *bonâ fide* in his employment or service.

Provided that it shall be lawful for the government agent, in his discretion, at any time, by endorsement on such license, to substitute any house, room, or premises for the house, room, or premises for which the license was originally granted.

Licensing.

Stamp-duties payable on licenses.

12 (1) The licenses hereunder specified shall be subject to the following stamp duties:

	Rs.	c.
License to sell by wholesale and by retail only beer and porter to be consumed on the premises or not ...	20	0
License to sell by wholesale intoxicating liquor not to be consumed on the premises	50	0
License to sell by wholesale and by retail intoxicating liquor not to be consumed on the premises ...	75	0
License to sell by retail intoxicating liquor to be consumed on the premises	150	0
License to keep a refreshment house	200	0
License to keep an hotel—		
If the premises in respect of which the license shall be granted shall be of or under the annual value of Rs. 1,000	250	0
For every additional Rs. 1,000 or fraction thereof of annual value in addition to the duty of Rs. 250, a further duty of Rs. 50: provided that the duty shall in no case exceed Rs. 750.		
License to keep a proprietary club, one-half of the respective rates for keeping an hotel.		

(2) A license to keep a refreshment house or a license to keep an hotel or a proprietary club shall entitle the licensee to sell intoxicating liquor by retail to be consumed on the premises to which such license extends.

Penalty for selling or exposing for sale intoxicating liquor without license.

13 (1) Any person selling or exposing for sale any intoxicating liquor which he is not licensed to sell, or selling or exposing for sale any intoxicating liquor at any place where he is not authorized by his license to sell the same, or selling or exposing for sale any intoxicating liquor contrary to the tenor of his license, in any particular not otherwise specially provided for in this Ordinance, shall be guilty of an offence, and be subject to the following penalties:

(*a*) For the first offence he shall be liable to a fine not exceeding fifty rupees, or to simple or rigorous imprisonment for a term not exceeding one month.

(*b*) For the second offence he shall be liable to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for a term not exceeding three months.

(*c*) For the third and any subsequent offence he shall be liable to a fine not exceeding five hundred rupees, or to simple or rigorous imprisonment for a term not exceeding six months.

Forfeiture of liquor and vessels containing the same.

In addition to the other penalties imposed by this section, the court before which any person is convicted of a second or any subsequent offence may, if it thinks expedient so to do, declare all intoxicating liquor found in the possession of any such person as last aforesaid, and the vessels containing such liquor, to be forfeited.

Penalty for keeping an hotel, &c., without a license.

(2) Any person keeping an hotel or a proprietary club or refreshment house without a license shall be guilty of an offence, and liable to a fine not exceeding one hundred rupees, and to a further fine of one hundred rupees for every day during which he keeps such hotel, proprietary club, or refreshment house without a license.

Penalty not to attach to representative of deceased or insolvent licensees for sale on the licensed premises during the unexpired term of the license.

14 No penalty shall be incurred under section 13 by the heirs, executors, administrators, or assigns of any licensed person who dies before the expiration of his license, or by the assignee or trustee of any licensed person adjudged an insolvent, or whose affairs are liquidated by arrangement before the expiration of his license in respect of the keeping of an hotel or a proprietary club or refreshment house, or of sale or exposure for sale of any intoxicating liquor, so that such keeping and sale be according to the terms of the license, and be not continued beyond the unexpired term of the license.

Occupier of unlicensed premises liable for sale of liquor.

15 The occupier of any unlicensed premises on which any intoxicating liquor, including the produce of the cocoanut or other description of palm, or sugarcane (hereinafter described as "such produce as aforesaid"), is sold by retail, or, if such premises are occupied by more than one person, every occupier thereof, shall, unless he can prove that he was not privy or assenting to the sale, be subject to the penalties of fine and imprisonment imposed upon persons for the sale or exposure for sale of intoxicating liquor without license.

Seller liable for liquor being on premises contrary to license.

16 If any purchaser of intoxicating liquor by retail from a person who is not licensed to sell the same to be drunk on the premises drinks such liquor on the premises where the same is sold, or on any highway, lane, or garden adjoining or near such premises, the seller of such liquor shall, unless he shall prove that such drinking did not take place with his privity or consent, be subject to the following penalties :

(*a*) For the first offence he shall be liable to a fine not exceeding fifty rupees.

(*b*) For the second and any subsequent offence he shall be liable to a fine not exceeding one hundred rupees.

For the purposes of this section the expression "premises where the liquor is sold" shall include any premises adjoining or near the premises where the liquor is sold, if belonging to the seller of the liquor, or under his control, or used by his permission.

Evasion of law as to drinking on premises contrary to license.

17 If any person having a license to sell intoxicating liquor by retail not to be drunk on the premises, himself takes or carries, or employs, or suffers any other person to take or carry any intoxicating liquor (including such produce as aforesaid) out of or from the premises of such licensed person for the purpose of being sold on his account, for his benefit or profit, and of being drunk or consumed in any other

house, or in any tent, shed, building, or other place of any kind whatever, belonging to such licensed person, or hired, used, or occupied by him, such intoxicating liquor shall be deemed to have been consumed by the purchasers thereof on the premises of such licensed person, with his privity and consent, and such licensed person shall be punished accordingly in manner provided by this Ordinance. In any proceeding under this section it shall not be necessary to prove that the premises or place to which such liquor is taken to be drunk belonged to or were hired, used, or occupied by the seller, if proof be given to the satisfaction of the court hearing the case that such liquor was taken to be consumed thereon or therein with intent to evade the conditions of his license.

Sale prohibited to children

18 Every holder of a license under this Ordinance, or the keeper of a tavern, who sells or allows any person to sell, to be consumed on the premises, any description of spirits (including such produce as aforesaid) to any person apparently under the age of fifteen years, shall be liable to a fine not exceeding ten rupees for the first offence, and twenty rupees for the second and any subsequent offence.

Penalty on internal communication between licensed and unlicensed premises.

19 Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises and any unlicensed premises or places which are used for public entertainment or resort, or as a place for refreshment, shall be liable to a fine not exceeding one hundred rupees for every day during which such communication remains open.

Places for sale of liquor and taverns to be properly lighted; no food to be sold or music or dancing allowed in taverns, and no person to be allowed to sit and loiter therein

20 Every licensed person and every keeper of a tavern shall keep his place during the time that it is open properly lighted. Keepers of taverns shall on no pretext sell food or have music or dancing in taverns, or allow any person to sit and loiter therein. Any person offending against any of these provisions shall be liable to a fine not exceeding fifty rupees.

Penalty on illicit storing of liquor.

21 If any licensed person or keeper of a tavern has in his possession, on the premises in respect of which his license is granted, any description of intoxicating liquor (including such produce as aforesaid) which he is not authorized to sell, unless he shall account for the possession of the same to the satisfaction of the court by which he is tried, he shall forfeit such liquor and the vessels containing the same, and shall be liable to a fine not exceeding fifty rupees for the first offence, and not exceeding one hundred rupees for any subsequent offence.

Names of licensed persons to be affixed to premises.

22 Every licensed person not being the keeper of an hotel or of a proprietary club, or a person holding a license to sell by wholesale only, and every keeper of a tavern, shall cause to be painted or affixed, and shall keep painted or affixed on the premises in respect of which his license is granted, in a conspicuous place, and in such form and manner

as the government agent may from time to time direct, his name, with the addition, after the name, of the word "licensed," and of words sufficient, in the opinion of the said government agent, to express the business for which his license has been granted, and in particular words expressing whether the license authorizes the sale of intoxicating liquor to be consumed on or off the premises only, as the case may be; and no person shall have any words or letters on his premises importing that he is authorized as a licensed person to sell any intoxicating liquor which he is not in fact duly authorized to sell. Every person who acts in contravention of the provisions of this section shall be liable to a fine not exceeding, for the first offence, fifty rupees, and not exceeding, for the second and any subsequent offence, one hundred rupees.

Penalty on persons found drunk and incapable.

23 Every person found drunk and incapable of taking care of himself in any thoroughfare or public place, whether a building or not, or on any licensed premises, or tavern, and any person who shall be guilty of violent, quarrelsome, noisy, disorderly, or riotous conduct in or about such premises or tavern, shall be liable to a fine not exceeding five rupees, and on second conviction within a period of twelve months shall be liable to a fine not exceeding ten rupees, and on a third or subsequent conviction within such period of twelve months be liable to a fine not exceeding twenty rupees. Every person who in any thoroughfare or other public place, whether a building or not, is guilty while drunk of riotous or disorderly behaviour, or who is drunk while in charge, on any thoroughfare or other public place, of any carriage, horse, or cattle, or who is drunk when in possession of any loaded firearms, may be apprehended without a warrant, and kept in custody until he gets sober, and shall be liable, in addition, to a fine not exceeding twenty rupees, or to simple or rigorous imprisonment for any term not exceeding one month.

Penalty for permitting drunkenness

24 Any licensed person, or any keeper of a tavern, or any servant or agent of such person or keeper, who permits drunkenness or any violent, quarrelsome, noisy, disorderly, or riotous conduct to take place on his premises, or sells any intoxicating liquor (including such produce as aforesaid) to any drunken person, or to any habitual drunkard, or to any person who shall be guilty of violent, quarrelsome, noisy, disorderly, or riotous conduct in or about such premises, shall be liable to a fine not exceeding, for the first offence, fifty rupees, and for the second and any subsequent offence, one hundred rupees.

Penalty for keeping disorderly house.

25 If any licensed person, or any keeper of a tavern, knowingly permits his premises to be the habitual resort or place of meeting of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution, he shall be liable to a fine not exceeding, for the first offence, fifty rupees, and for the second and any subsequent offence, one hundred rupees.

26 If any licensed person, or any keeper of a tavern, is convicted of permitting his premises to be a brothel, or to be used on any occasion as such, he shall be liable to a fine not exceeding two hundred rupees, and shall forfeit his license, and he shall be disqualified for ever from holding any license for the sale of intoxicating liquor or for keeping a tavern.

Penalty for permitting premises to be a brothel.

27 (1) If any licensed person, or any keeper of a tavern, shall sell any intoxicating liquor (including such produce as aforesaid) on credit or trust, or shall take or receive anything in pledge, barter, or exchange for the same, he shall be liable to a fine not exceeding fifty rupees for every such offence, and every such credit, pledge, barter, or exchange shall be illegal and void ; and such licensed person or keeper of a tavern shall not be entitled to recover the sum for which credit shall have been given, and shall be bound to restore anything which he might have received in pledge, barter, or exchange, or if the same shall have been destroyed or lost, to pay its value to the person from whom he shall have received the same.

Penalty for selling on credit or taking anything in pledge, barter, or exchange.

(2) Nothing in this section contained shall apply to hotels, or proprietary clubs, or to places licensed for the sale of liquor not to be consumed on the premises.

28 If any licensed person or the keeper of a tavern—

Penalty for harbouring constable.

(*a*) Knowingly harbours or knowingly suffers to remain on his premises any constable during any part of the time appointed for such constable being on duty, unless for the purpose of keeping or restoring order or in execution of his duty ; or

(*b*) Supplies any liquor or refreshment, whether by way of gift or sale, to any constable, unless he is off duty, or unless by authority of some superior officer of such constable ;

he shall be liable to a fine not exceeding, for the first offence, fifty rupees, and for the second or any subsequent offence, one hundred rupees.

29 Any licensed person or keeper of a tavern may refuse to admit to, and may turn out of the premises in respect of which his license is granted, any person who is a habitual drunkard, or drunken, violent, quarrelsome, or disorderly, and any person whose presence on his premises would subject him to a penalty under this or any other Ordinance. Any such person who, upon being requested, in pursuance of this section, by such licensed person or keeper of a tavern, or his agent or servant, or by any constable, to quit such premises, refuses, or fails so to do, shall be liable to a fine not exceeding fifty rupees ; and all constables are required on the demand of such licensed person, keeper of tavern, agent, or servant, to expel, or assist in expelling, every such person from such premises, and may use such force as may be required for that purpose.

Powers to exclude drunkards from licensed premises.

Hawking of intoxicating liquor prohibited.

30 Any officer of the police or headman may seize and convey to the nearest police office or police court all intoxicating liquor (including such produce as aforesaid) carried about or exposed in any thoroughfare or other place whatever, and which he may reasonably suspect is being carried about for or exposed for sale, and every vessel containing or used for drinking or measuring the same, and every vehicle, and every animal, and every boat or vessel, carrying or drawing the same. Every person employed in so carrying about for sale such intoxicating liquor (including such produce as aforesaid) shall be liable to a fine not exceeding fifty rupees; and every such vessel, vehicle, animal, or boat shall be forfeited.

Penalty on adulteration of intoxicating liquor.

31 Every person who mixes or causes to be mixed with any intoxicating liquor (including such produce as aforesaid) sold or exposed for sale by him, whether by wholesale or retail, any deleterious ingredients, that is to say, any of the ingredients specified in schedule B to this Ordinance, or any ingredient deleterious to health; and every person who knowingly sells or keeps or exposes for sale any intoxicating liquor (including such produce as aforesaid), whether by wholesale or retail, mixed with any deleterious ingredient (in this Ordinance referred to as adulterated liquor) shall be liable, for the first offence, to a fine not exceeding fifty rupees, or to simple or rigorous imprisonment for a term not exceeding one month, and for the second and any subsequent offence, to a fine not exceeding two hundred rupees, or to simple or rigorous imprisonment for a term not exceeding three months, and to be declared to be a person disqualified for ever to hold a license, and shall also, in the case of the first as well as any subsequent offence, forfeit all adulterated liquor in his possession, with the vessels containing the same.

Possession of adulterated liquor or deleterious ingredients.

32 Every licensed person or keeper of a tavern who has in his possession or in any part of his premises for sale any adulterated liquor or any deleterious ingredient specified in the schedule C hereto, for the possession of which he is unable to account to the satisfaction of the court, shall be deemed knowingly to have exposed for sale adulterated liquor on such premises.

Governor may add to or cancel any ingredients mentioned in schedules B and C.

33 It shall be lawful for the Governor, with the advice of the Executive Council, from time to time by notification in the *Government Gazette*, to add to schedule B or schedule C any ingredient not therein specified, or to cancel any ingredient specified in either of the said schedules or in any notification issued under this section.

Superintendent of police may require samples for analysis.

34 Any superintendent of police or other officer of police authorized in writing by the superintendent so to do may procure samples of any intoxicating liquor (including such produce as aforesaid) from any person selling, or keeping, or exposing the same for sale (referred to in this and the three following sections as the vendor), and may procure such samples either by purchasing the same, or by requiring the

vendor to show him and allow him to inspect all or any of the vessels in which any such intoxicating liquor (including such produce as aforesaid) in the possession of the vendor is stored, and the place of the storage thereof, and to give him samples of such intoxicating liquor (including such produce as aforesaid) on payment or tender of the value of such samples. If the vendor or his agent, or servant, when required in pursuance of this section, refuses or fails to admit the officer, or refuses or wilfully omits to show all or any of the vessels in which intoxicating liquor (including such produce as aforesaid) is stored, or the place of the storage thereof, or to permit the officer to inspect the same, or to give any samples thereof, or to furnish the officer with such light or assistance as he may require, he shall be liable to the same fine and forfeiture as if he knowingly sold or exposed for sale adulterated liquor.

Such samples shall be analyzed, and certificate given of liquor adulterated.

35 When the police officer has, by either of the means aforesaid, procured samples of intoxicating liquor (including such produce as aforesaid), he shall cause the same to be analyzed at such convenient place and time, and by such person as the Governor may appoint; provided always that a reasonable notice shall have been given by such officer to the vendor by whom such sample was furnished, to enable such vendor, if he think fit, to attend at the time when such sample is opened for analysis; and if it appear to the person so analyzing that the said samples of intoxicating liquor (including such produce as aforesaid) are adulterated liquor within the meaning of this Ordinance, he shall certify such fact, and the certificate so given shall be receivable as evidence in any proceedings that may be taken against any person in pursuance of this Ordinance, subject to the right of any person against whom proceedings are taken to require the attendance of the person making the analysis for the purpose of cross-examination.

Vendor may require samples to be sealed.

36 The vendor may require the officer, in his presence, to annex to every vessel containing any samples for analysis the name and address of the vendor, and to secure with a seal or seals belonging to the vendor the vessel containing such samples, and the name and address annexed thereto, in such manner that the vessel cannot be opened, or the name and address taken off, without breaking such seals; and a corresponding sample sealed by such officer with his own seal shall, if required, be left with the vendor for reference in case of disputes as to the correctness of the analysis or otherwise; and the certificate of the person who analyzes such samples shall state the name and address of the vendor, and that the vessels were not open, and that the seals securing to the vessels the name and address of the vendor were not broken until such time as he opened the vessels for the purpose of making his analysis; and in such case as aforesaid no certificate shall be receivable in evidence unless there is contained therein such statement as above, or to the like effect.

Cost of analysis

37 Any expenses incurred in analyzing any intoxicating liquor (including such produce as aforesaid) of a vendor in pursuance of this Ordinance shall, if such vendor be convicted of selling or keeping, or exposing for sale, or having in his possession adulterated liquor in contravention of this Ordinance, be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly.

Any magistrate may require premises to be closed where riot or tumult is apprehended, or where troops are on march.

38 Any police magistrate having jurisdiction in any place where any riot or tumult happens, or is expected to happen, or on the requisition of the officer in charge of troops on march, may order every licensed person or every keeper of a tavern in or near the place where such riot or tumult happens, or is expected to happen, or where the troops are on march, to close his premises during any time which such magistrate may order; and any person who keeps open his premises for the sale of intoxicating liquor (including such produce as aforesaid) during any time at which such magistrate has ordered them to be closed, shall be liable to a penalty not exceeding five hundred rupees; and it shall be lawful for any person acting by order of any magistrate to use such force as may be necessary for the purpose of closing such premises.

Hour of closing.

39 (1) All licensed taverns and all premises licensed for the sale of intoxicating liquor, whether to be consumed on the premises or not, shall be closed at the hour of eight at night, and shall remain closed till the hour of five in the morning. Provided that it shall be lawful for the Governor from time to time, with the advice of the Executive Council, by notification published in the *Government Gazette*, to alter the said hours and appoint other hours instead in any province or district, or in any place the limits of which shall be defined in such notification. Any person who sells or exposes for sale, or opens or keeps open any tavern or premises licensed for the sale of intoxicating liquor during the time that such tavern or premises are directed to be closed, or during such time as aforesaid allows any intoxicating liquor or such produce as aforesaid to be consumed in such tavern or on such premises, shall, for the first offence, be liable to a fine not exceeding fifty rupees, and for any subsequent offence to a fine not exceeding one hundred rupees.

No liquor to be sold at hotels, &c., between midnight and 5 A.M.

(2) It shall not be lawful for the keeper of an hotel or of a refreshment house for which a license shall be granted under this Ordinance, or any person in his employ, to sell any intoxicating liquor to any person at such hotel or refreshment house after the hour of midnight and before the hour of five in the morning. And any such keeper or person in his employ who shall sell any intoxicating liquor contrary to the provisions of this section shall be guilty of an offence, and shall be liable on the first conviction to a fine not exceeding fifty rupees, and on each subsequent conviction to a fine not exceeding one hundred rupees.

Proceedings against persons found on premises after closing hours

40 If, during any period during which any tavern or premises are required under the provisions of this Ordinance to be closed, any person is found on such tavern or premises, he shall, unless he satisfies the court that he was an inmate, servant, or that otherwise his presence in such tavern or on such premises was not in contravention of the provisions of section 39, be liable to a penalty not exceeding twenty rupees. Any constable may demand the name and address of any person found in any tavern or on any premises during the period during which they are required by the provisions of this Ordinance to be closed, and, if he has reasonable ground to suppose that the name or address given is false, may require evidence of the correctness of such name and address, and may, if such person fail upon such demand to give his name or address, or such evidence, apprehend him without warrant, and produce him, as soon as practicable, before a police magistrate. Any person required by a constable under this section to give his name and address, who fails to give the same, or gives a false name or address, or gives false evidence with respect to such name and address, shall be liable to a fine not exceeding fifty rupees.

Entry on premises.

41 A constable authorized in writing by the superintendent of police, or headman authorized in writing by the government agent, may at all times enter on any licensed premises and taverns ; he may also examine every room and part of such premises and taverns, and take an account of all intoxicating liquor (including such produce as aforesaid) stored therein. Any police magistrate, if satisfied by information on oath that there is reasonable ground to believe that any intoxicating liquor (including such produce as aforesaid) is sold by retail or exposed or kept for sale by retail at any place within his jurisdiction, whether a building or not, in which such liquor (including such produce as aforesaid) is not authorized to be sold by retail, may, in his discretion, grant a warrant under his hand, by virtue whereof it shall be lawful for any constable or headman named in such warrant, at any time within one month from the date thereof, to enter, and if need be by force, the place named in the warrant, and every part thereof, and examine the same and search for intoxicating liquor (including such produce as aforesaid) therein, and seize and remove any intoxicating liquor (including such produce as aforesaid) found therein, which there is reasonable ground to suppose is in such place for the purpose of unlawful sale at that or any other place, and the vessels containing such liquor (including such produce as aforesaid). Every person who, by himself or by any person in his employ or acting by his direction or with his consent, refuses or fails to admit any constable or headman, demanding to enter in pursuance of this section into any tavern, premises, or place occupied by or under the control of such person, or who having admitted such constable or headman, refuses or fails to allow him to take an account of any intoxicating liquor (including such produce as aforesaid) found therein, or to furnish him with such

light or assistance as he may require, shall be liable to a fine not exceeding, for the first offence, fifty rupees, and for the second and every subsequent offence, one hundred rupees.

Delivery evidence of sale.

Proof of license on licensee.

42 In any proceedings under this Ordinance the delivery of any intoxicating liquor (including such produce as aforesaid) shall be deemed and taken to be good and sufficient evidence of the same having been sold, unless the defendant shall prove the contrary, and the proof of the license shall in all cases rest upon the licensee.

Person deprived of his license not to be employed by licensed person, or to be allowed any interest in licensed premises.

43 If any person licensed to sell intoxicating liquor in any premises, or to keep an hotel or a proprietary club or a refreshment house, or any keeper of a tavern, shall employ or permit any person who, from misconduct or bad character may have been refused or deprived of his license under this Ordinance or the Ordinance No. 10 of 1844, to be employed in any capacity in such licensed premises, hotel, proprietary club, refreshment house, or tavern, or to be his partner or to participate in the profits of such licensed premises, hotel, proprietary club, refreshment house, or tavern, or to have any interest therein, such licensed person or keeper shall be liable to a fine not exceeding fifty rupees.

Government agent may withdraw license.

44 (1) If any licensed person or keeper of a tavern shall be convicted of an offence against any of the provisions of this Ordinance, or of Ordinance No. 10 of 1844, or of Ordinance No. 17 of 1889, it shall be lawful for the government agent, if he shall see fit to do so, to withdraw his license, and to publish such withdrawal in the *Government Gazette*, and such license shall thereupon be deemed and taken to be withdrawn, and shall be of no further force or effect.

(2) It shall be open to any person whose license shall be withdrawn to appeal to the Governor, who may confirm or reverse such withdrawal as to him, with the advice of the Executive Council, shall seem fit.

Military and naval canteens excluded from this Ordinance.

45 Nothing in this Ordinance contained shall apply to any canteen, shop, or tavern opened or kept under military or naval regulations, and subject to the supervision of military or naval officers, or to any resthouse under the charge of a provincial road committee, or shall preclude the sale in railway refreshment cars or at refreshment rooms or premises connected with railway stations duly authorized as such by the General Manager, of intoxicating liquor to persons travelling by railroad or arriving at or departing from such stations by railroad.

Officers of customs may destroy spirits unfit for human consumption.

46 It shall be lawful for any officer of the customs to seize and, with the sanction of the Principal Collector, to destroy any spirits which may be imported into this country, and which shall, on analysis, be found to be unfit in the opinion of such Principal Collector of Customs for human consumption, and such officers are hereby indemnified and held free and harmless from all and any the consequences of such seizure and destruction.

Employés of licensed persons liable for penalties.

47 (1) The fines and penalties imposed by this Ordinance on licensed persons shall also apply to and may be imposed on all persons employed by such licensed persons in selling or exposing liquor for sale or in doing any of the acts for which such license shall be given. And every person shall be deemed to be employed by such licensed person who shall be in his shop or place of business, and ostensibly acting for him or as his servant or agent.

Informer's share.

(2) The informer shall be entitled to such portion, not exceeding half of the fine actually recovered and realized, as the court shall award.

SCHEDULE.

A.

No. and Year.	Extent of Repeal.
4 of 1841	Sections 13 and 15
10 of 1844	Section 29
7 of 1873	The whole Ordinance
22 of 1873	The whole Ordinance
23 of 1877	The whole Ordinance

B.

Opium; Bhang or Ganga; Coculus Indicus; Tinospora Cordifolia; Datura Stramonium; Tobacco; Arecanut; Nux Vomica; Strychnine; Turpentine; the Salts of Lead, Zinc, Copper, and Iron; Salts of Tartar; Oil of Vitriol or Sulphuric Acid; Cayenne Pepper; Cassia; Cinnamon; Nutmeg; Assafœtida; Coriander Seed; Grains of Paradise; Angelica Root; Calken Root; Almond Cake; Orris Root; Cardamom Seed; Orange Seed; common Salt or Chloride of Sodium; Rock Salt; Sal Ammoniac; Alum; Cream of Tartar; Capsicum; Ginger; Quassia; Samadara; Wormwood; Calamus Root; Carraway; Liquorice; Gentian; Aniseed; Honey; Oyster Shells; Hartshorn Shavings; Fabia Amara; Beans for fining; Darnel Seeds; Logwood; Sapanwood; Catechu; Chiretta; Margosa; Sandalwood; Hamidesmus Indicus or Eroomoos; Buted Kino or Bengal Kino; Amylic Alcohol or Fousel Oil.

C.

Opium; Bhang or Ganga; Coculus Indicus; Tinospora Cordifolia; Datura Stramonium; Nux Vomica; Strychnine; the Salts of Lead, Zinc, Copper, and Iron; Salts of Tartar; Oil of Vitriol or Sulphuric Acid; Assafœtida; Grains of Paradise; Angelica Root; Calken Root; Almond Cake; Orris Root; Sal Ammoniac; Alum; Samadara; Wormwood; Calamus Root; Carraway; Aniseed; Oyster Shells; Hartshorn Shavings; Fabia Amara; Beans for fining; Darnel Seeds; Logwood; Sapanwood; Catechu; Chiretta; Sandalwood; Hamidesmus Indicus or Eroomoos; Buted Kino or Bengal Kino; Amylic Alcohol or Fousel Oil.

18th November, 1891.

No. 13 of 1891.

An Ordinance relating to Arrack, Rum, and Toddy.

(*See No. 10 of 1844.*)

Preamble.

WHEREAS it is expedient to amend the law relating to arrack, rum, and toddy: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

To be read as one with Ordinance No. 10 of 1844.

Commencement.

1 This Ordinance shall be read as one with the Ordinance No. 10 of 1844, hereinafter referred to as "the principal Ordinance," and shall come into operation from and after such date as the Governor shall appoint by Proclamation in the *Government Gazette.**

Repealing clause.

2 There shall be repealed as from the commencement of this Ordinance the Ordinances specified in schedule I. hereto. Provided that the repeal shall not affect—

(*a*) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed; nor

(*b*) Any right, liability, or obligation acquired, accrued, or incurred under any enactment hereby repealed; nor

(*c*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; nor

(*d*) Any legal proceedings or remedy in respect of any such right, liability, obligation, penalty, forfeiture, or punishment as aforesaid.

When any unrepealed Ordinance incorporates or refers to any provisions of any Ordinance hereby repealed, such unrepealed Ordinance shall be deemed to incorporate or refer to the corresponding provisions of this Ordinance.

Interpretation.

3 In this Ordinance "district" means any one of the subdivisions into which a government agent shall from time to time divide a province for the purpose of selling or assigning to any person the monopoly of retailing arrack and toddy, or either of them, within such subdivision.

"Licensed retail dealer" means the person who may have purchased the monopoly of retailing arrack and toddy, or either of them, in any district.

Government agent may withdraw distiller's license.

4 (1) If a licensed distiller, rectifier, or compounder shall be convicted of any offence mentioned in schedule II. hereto, or if any person be convicted of having committed any offence mentioned in schedule III. hereto in any building or premises used by any such distiller, rectifier, or compounder

* Proclaimed the 1st day of July, 1892.

for distilling, rectifying, compounding, or storing spirits, it shall be lawful for the government agent, if he shall see fit so to do, to require the licensee by notice in writing to give up the license which shall have been issued to him, and upon such notice being personally served on such licensee or affixed to any part of the premises to which such license applies, such license shall be deemed and taken to be withdrawn, and shall be of no further force and effect.

(2) It shall be open to any person whose license shall be withdrawn by a government agent to apply to the Governor, who may confirm or reverse such withdrawal as to him, with the advice of the Executive Council, shall seem fit.

Section 11, as to license for distillation of spirits.

5 For section 11 of the principal Ordinance the following section shall be substituted, namely :

(1) Every license for the distillation of spirits which shall be granted under this Ordinance shall be as near as is material in the form A in schedule IV. hereto, and shall be in force for the period specified therein, and shall bear a stamp, to be furnished by the licensee to the government agent before the issue of any such license, of one hundred rupees for each year or portion of a year during which such license is to run.

(2) Every such license shall ordinarily be issued for the period not exceeding twelve months specified therein, but it shall be in the discretion of the government agent to issue a license under this section for a period to be specified in the license exceeding twelve months but not exceeding five years.

Section 14. Distiller not to sell less than thirty-five gallons of spirits.

6 For section 14 of the principal Ordinance the following section shall be substituted, namely :

(1) Every licensed distiller, rectifier, or compounder, and every person in the management or superintendence of the trade or business of any licensed distiller, rectifier, or compounder, who shall sell or dispose of, or knowingly cause or permit to be sold or disposed of on his account, any spirits in a less quantity than thirty-five gallons at any one time, shall be guilty of an offence, and shall upon a first conviction be liable to a fine not exceeding one hundred rupees, and upon every subsequent conviction to a fine not exceeding two hundred rupees, or to simple or rigorous imprisonment not exceeding six months, or to both.

(2) If the offender is a licensed distiller, rectifier, or compounder, the court before which he is convicted a second time shall, in addition to awarding any penalty or penalties authorized by this section, declare and adjudge any still, vessel, or utensil, together with any spirit or toddy found at the date of the offence on the premises in which he carried on his business, to be forfeited. All forfeitures may be sold or otherwise disposed of in such manner as the court may direct.

Section 20, as to license to deal wholesale in spirits.

7 For section 20 of the principal Ordinance the following section shall be substituted, namely :

(1) Every person who desires to obtain a license to deal by wholesale in spirits distilled from the produce of the cocoanut or other description of palm, or sugarcane, shall make an application in writing to that effect to the government agent of the province within which such wholesale dealing is to be carried on, containing a true and full description of the name and residence of the person making the same, and of the place in which his storehouse or storehouses shall be situate.

(2) Such government agent shall within ten days after the receipt of such application, and of the stamp to be furnished by the licensee as hereinafter mentioned, issue to the applicant a license to deal in such spirits by wholesale as near as is material according to the form B in schedule IV. hereto. Provided that if any government agent shall have any just and reasonable grounds for so doing, it shall be lawful for him to refuse to issue such license. Every such refusal, together with the government agent's reasons therefor, shall be reported forthwith to the Governor, by whom such refusal shall and may be confirmed or reversed.

(3) Every license issued under the provisions of this section shall be in force for the period specified therein, and shall bear a stamp, to be furnished by the licensee to the government agent before the issue of any such license, of one hundred rupees for each year or portion of a year during which such license is to run, and shall entitle the licensee to have in his possession any quantity of such spirits lawfully purchased or distilled either for exportation or for sale by wholesale.

(4) Every such license shall ordinarily be issued for the period not exceeding twelve months specified therein, but it shall be in the discretion of the government agent to issue a license under this section for a period to be specified in the license exceeding twelve months but not exceeding five years.

Section 22 amended.

8 Section 22 of the principal Ordinance shall be taken and read as though the words "distiller, rectifier, compounder, or" were inserted before the words "wholesale dealer," wherever the latter words occur in the said section.

Section 26, as to retail of arrack and rum.

9 For section 26 of the principal Ordinance the following shall be substituted, viz. :

(1) No person shall sell or dispose of by retail, that is to say, in less quantity at any one time than thirty-five gallons, any spirit distilled from the produce of the cocoanut or other description of palm, or of the sugarcane, without having first obtained a license as near as is material according to the form C in schedule IV. hereto for that purpose from the government agent of the

province in which such sale by retail is intended to be carried on, or unless he be acting for and by the authority and for the benefit of, and in conformity with the license granted to, such licensed retail dealer.

(2) It shall be lawful for the government agent of the province in which a license has been issued under the preceding sub-section, if he shall see fit so to do, to require the licensee, by notice in writing, to give up the license which shall have been issued to him, and upon such notice being personally served on such licensee, or affixed to the tavern in respect of which the license was granted, such license shall be deemed and taken to be withdrawn, and shall be of no further force or effect.

(3) Every person who shall sell or dispose of, or cause or permit to be sold or disposed of, on his account, by retail any such spirits without such license, or contrary to the tenor thereof, shall be guilty of an offence, and be liable on conviction to a fine not exceeding fifty rupees, and to rigorous or simple imprisonment not exceeding three months, or to either of such punishments at the discretion of the court before which such offender is convicted.

Section 33, as to removal of arrack.

10 For section 33 of the principal Ordinance the following section shall be substituted, namely :

No spirit distilled from the produce of the cocoanut or other description of palm, or of the sugarcane, in any quantity exceeding two quarts, shall be removed from any place within a district to any other place within the same district, and no such spirit in any quantity exceeding an imperial pint shall be removed from any place within a district to any place outside such district without a permit accompanying the same as near as is material in the form D in schedule IV. hereto, which permit shall specify the date thereof, the names of the person removing such spirit and of the person on whose behalf it is removed, the quantity to be removed, the period within which it is to be removed, the places from and to which it is to be removed, and the mode in which it is to be removed. And such permits shall be granted by the government agent of the province or by any other person duly authorized in writing under the hand of the government agent. Provided that if the quantity of such spirit shall not exceed thirty-five gallons, such permit may be issued by any licensed retail dealer for the removal of the same only within the limits of his district.

Section 46 amended.

11 In case of default of payment of any fine imposed under section 46 of the principal Ordinance, the court inflicting the fine may at its discretion sentence the offender to simple or rigorous imprisonment for any period not exceeding three months, anything in "The Criminal Procedure Code, 1883," or Ordinance No. 22 of 1890 to the contrary notwithstanding.

Section 47, proviso as to sweet toddy.

12 For section 47 of the principal Ordinance the following shall be substituted, namely :

The restrictions hereinbefore contained in respect to selling, possessing, and removing toddy shall not be deemed to apply to sweet toddy, and no person shall be convicted of drawing toddy without having obtained a permit or license unless it be proved to the satisfaction of the court before which he is tried that in drawing such toddy he had omitted to take necessary precautions to prevent the same from fermenting.

Section 63, as to awarding informer a share.

13 For section 63 of the principal Ordinance the following section shall be substituted, namely :

It shall be lawful for the court imposing a fine under the provisions of this Ordinance to award to the informer any share not exceeding a moiety of so much of the fine as is actually recovered and realized.

Extension of license to representative of deceased distiller.

14 It shall be in the discretion of the government agent to authorize in writing any legal representative or representatives of any deceased distiller to distil spirits in such and the same manner, and for the same period and under the same restrictions, as such deceased distiller would be entitled to distil if he were alive ; and the provisions of section 48 of the principal Ordinance, with regard to the legal representative or representatives therein referred to shall, *mutatis mutandis*, apply to the legal representative or representatives of a deceased licensed distiller.

Person exporting arrack, &c., should hold a wholesale dealer's license.

15 (1) From and after the passing of this Ordinance it shall not be lawful for any person to export from this island any spirits distilled therein from the produce of the cocoanut or other description of palm, or of the sugarcane, in any quantity exceeding thirty-five gallons without he shall have first obtained from the government agent a permit for that purpose as near as is material in the form E in schedule IV. hereto. Every such permit shall be issued free.

(2) Whoever acts contrary to the provisions of this section shall be guilty of an offence, and shall be liable to a fine not exceeding five hundred rupees.

Licensed distillers and wholesale dealers to make weekly returns,

16 Every person licensed as a distiller, and every person licensed as a wholesale dealer, shall, on or before Wednesday of each week, make true and correct returns to the government agent of the province for and in respect of the previous week of the particulars set forth in the forms contained in the schedule V. hereto : the return to be made by every licensed distiller being in the form A in schedule V. hereto and by every licensed wholesale dealer in the form B in schedule V. hereto.

and to keep correct copies of such returns.

17 Every licensed distiller and wholesale dealer shall keep true and correct copies of the returns respectively made by them, and such copies shall at all reasonable times be open to the inspection of the government agent or of any person authorized by him in writing to inspect the same.

Offences: Penalty.

18 Any licensed distiller or wholesale dealer who shall refuse or neglect to make any return by this Ordinance required to be made in the form and within the time herein specified, or who shall refuse or neglect to keep a true and correct copy of such return, or who shall refuse to allow inspection of such copy to the government agent, or other person authorized as aforesaid, shall, for every such refusal or act of neglect be guilty of an offence, and shall be liable on conviction to a fine not exceeding fifty rupees; and the production of a certificate under the hand of the government agent to the effect that no return has been received by him from the person charged shall, in all judicial proceedings, be *primâ facie* evidence of such person having refused or neglected to make such return.

Evidence.

Proof of negative to be on the defendant.

19 In any prosecution for any offence under this or the principal Ordinance, if the information, plaint, or charge in any such case shall negative any exemption, proviso, or condition in this or the principal Ordinance, it shall not be necessary for the prosecutor or complainant in that behalf to give any evidence of such negative, but the defendant or accused may prove the affirmative thereof in his defence, if he would have advantage of the same.

Accused may give evidence.

20 A person charged with any offence under this or the principal Ordinance may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon may give evidence in the same manner and with the like effect and consequences as any other witness.

SCHEDULE I.

(1) The Ordinance No. 4 of 1880, intituled "An Ordinance to repeal the Ordinance No. 8 of 1869, intituled 'An Ordinance to Discourage the Illicit Sale of Wine, Arrack, Rum, or Spirits, and to make other provision in lieu thereof.'"
(2) The Ordinance No. 5 of 1881, intituled "An Ordinance to amend the Law relative to the Distillation and Sale of Arrack, Rum, and Toddy within these Settlements."
(3) The Ordinance No. 19 of 1886, intituled "An Ordinance to amend the Ordinance No. 10 of 1844, relating to the Distillation and Sale of Arrack, Rum, and Toddy."
(4) The Ordinance No. 19 of 1887, intituled "An Ordinance to amend the Ordinance No. 10 of 1844 (Arrack, Rum, and Toddy)."

SCHEDULE II.

Offences committed by a Licensed Distiller, Rectifier, or Compounder.

(*a*) Selling any spirit in a less quantity than 35 gallons (see section 14 of the principal Ordinance, section 6 of this Ordinance), when the offence is committed at the building or premises used by such distiller, rectifier, or compounder.

(*b*) Making a false declaration (see section 5 of the principal Ordinance).

(*c*) Erecting, placing, or using any still, vessel, or utensil adapted for the purpose of distilling, rectifying, or compounding spirits upon any premises other than those mentioned in the license granted to such distiller, rectifier, or compounder (see section 13 of the principal Ordinance).

(*d*) Removing or causing to be removed any spirits without the permit required by section 33 of the principal Ordinance (see section 10 of this Ordinance), when the offence is committed by the removal of such spirits from the building or premises used by such distiller, rectifier, or compounder.

(*e*) Refusing or neglecting to make the returns required by section 16 of this Ordinance.

(*f*) Refusing or neglecting to keep true and correct copies of such returns, or refusing to allow inspection of such copies, required by section 17 of this Ordinance.

(*g*) Removing or possessing toddy without a license (see section 44 of the principal Ordinance).

SCHEDULE III.

Offences committed by any person within the building or premises used by any Licensed Distiller, Rectifier, or Compounder, for the purpose of distilling, rectifying, compounding, or storing Spirits.

(*a*) Selling any spirits in a less quantity than 35 gallons (see section 14 of the principal Ordinance, section 6 of this Ordinance).

(*b*) Removing or causing to be removed any spirits without the permit required by section 33 of the principal Ordinance (see section 10 of this Ordinance), when the offence is committed by the removal of such spirits from such building or premises.

SCHEDULE IV.

A.—License to Distil Spirits.

This is to certify that I, ———, Government Agent of the ——— Province, do hereby license the distillation of ———, by the party (*or* parties), with the still and at the place hereunder mentioned, from the ——— day of ———, 18—, to the ——— day of ———, 18—.

Name of Proprietor.	Name of Manager.	Size of Still.	Where situated.

Signed this ——— day of ———, 18—.

———
Government Agent.

B.—License to Deal in Arrack and Rum by Wholesale.

This is to certify that I, ———, Government Agent of the ——— Province, do hereby license ——— to deal in spirits by wholesale in conformity with the provisions of the Ordinance No. 10 of 1844, at his storehouse situated at ———, from the ——— day of ———, 18—, to the ——— day of ———, 18—, inclusive.

Signed this ——— day of ———, 18—.

———
Government Agent.

C.—License to Retail Arrack and Rum.

This is to certify that I, ———, Government Agent of the ——— Province, do hereby license ——— to sell arrack and rum by retail from the ——— day of ———, One thousand Eight hundred and ———, to the ——— day of ———, One thousand Eight hundred and ———, inclusive, at the tavern No. ———, situated at ———, and at no other place, on condition that the said ——— shall sell arrack and rum at the price of ——— per imperial gallon, and in proportion for any less quantity, and at no other price whatsoever.

Signed this ——— day of ———, 18—.

———
Government Agent.

In conformity with the foregoing license in my favour I, ———, licensed retail dealer. hereby authorize ——— to sell by retail, for me and for my benefit, at the place aforesaid, until the ——— day of ———, or until the aforesaid license in my favour shall terminate or be withdrawn, whichever may first occur.

D.—Permit for Removal.

This is to certify that ——— has my permission to remove on behalf of ———, ——— of ———, the property of ———, from ——— to ———, within ——— days from the date hereof, in ——— casks loaded in ———.

Signed this ——— day of ———, 18—.

NOTE.—If the permit is issued only for removal from any place within a district to any other place within the same district, add the following words to the permit: "without transgressing the limits of the district of ———

E.—Permit to Export Arrack or Rum.

This is to certify that
the Island ——— gallo
within ———, weeks f

Signed this ——— d

SCHEDULE V.

A.—Arrack Distiller's Return, showing the Quantity of Arrack distilled and sold during the Week ended Saturday, ———, 18 —.

Year.	No. of License.	Name of Distiller.	Place of Distillery.	Capacity of the Still (in Gallons).	Quantity remaining in Store as per last Return.	Quantity distilled during the Week.	Total.	Quantity sold during the Week.	Quantity remaining in Store on Saturday, the —, 18—.

B.—Wholesale Dealer's Return for the Week ended Saturday, ———, 18 —.

——— Kóralé.

Year.	No. of Wholesale Dealer's License.	Name of Wholesale Dealer.	Situation of Store.	Quantity of Arrack in Store per last Return.	Quantity purchased and stored during the Week.	Total.	Quantity sold or issued during the Week.	Remaining in Store on Saturday, the ———, 18 —.

13th December, 1891.

No. 14 of 1891.

An Ordinance relating to the Registration of Titles to Land and of all Deeds affecting Land in this Colony.

WHEREAS it is expedient to consolidate and amend the laws relating to the registration of titles to land and of all deeds affecting land in this colony: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows: Preamble.

1 This Ordinance may be cited for all purposes as "The Land Registration Ordinance, 1891." Short title.

2 There shall be repealed as from the commencement of this Ordinance the Ordinances specified in the first schedule to this Ordinance to the extent in the third column of that schedule mentioned. Repeal.

Provided that— Proviso I.

(*a*) Any office or branch office established under section 2 of "The Land Registration Ordinance, 1863," shall be deemed to have been duly established under this Ordinance; and

(*b*) The Registrar-General of Lands, the registrars of lands, and the clerks and other officers appointed under sections 3 and 5 of "The Land Registration Ordinance, 1863," shall continue and be deemed to have been duly appointed under this Ordinance; and

(*c*) Any enactment referring to any Ordinance or enactment hereby repealed shall be construed to refer to this Ordinance or to the corresponding enactment in this Ordinance.

Provided also that this repeal shall not affect— Proviso II.

(*d*) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed; or

(*e*) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; or

(*f*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or

(*g*) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Ordinance had not passed.

I.—*Registration Department, Officers, and Rules.*

Registration office.

3 There shall be established in Colombo a land register office for Ceylon, and branch offices at such other places as to the Governor shall appear necessary.

Registrar-General and registrars of lands.

4 The Governor shall appoint a fit and proper person to execute the duties and powers hereinafter mentioned, who shall be called "The Registrar-General of Lands;" and also one or more persons for each province or district of the island, as he may deem necessary, to assist the said registrar in the execution of the said duties and powers, and who shall be called "Registrars of Lands." And all duties and powers hereinafter required to be exercised by any registrar shall and may be exercised by the Registrar-General.

Oath of office.

5 Every such Registrar-General and registrar shall, before proceeding to execute any of the duties and powers aforesaid, take and subscribe before some justice of the peace an oath in the form A in the second schedule hereunto annexed, which oath, so taken and subscribed, shall be enrolled in the Supreme Court.

Clerks and other officers

6 The Governor may from time to time appoint such clerks and other ministerial officers as to him may appear necessary, to assist the Registrar-General and registrars in the execution of the duties and powers aforesaid.

Salaries.

7 The Governor may from time to time, with the advice and consent of the Executive Council, direct to be paid out of the Colonial Treasury to such Registrar-General, registrars, clerks, and officers as aforesaid, such salaries or remuneration as to him shall appear reasonable.

Rules of office.

8 The Governor may from time to time, with the advice and consent of the Executive Council, frame and establish rules and regulations regarding the manner in which the plans and books rendered necessary by this Ordinance are to be made and kept, and the manner in which all deeds and other papers filed or preserved in the said office are to be arranged; also the manner in which the accounts of the said office are to be kept, and generally to provide in every respect for the due working of this Ordinance.

II.—*Preliminary Survey.*

Surveyor-General shall prepare surveys and plans.

9 The Surveyor-General shall, with the sanction of the Governor, from time to time survey or cause to be surveyed, in such convenient divisions as shall serve the purposes of this Ordinance, the several villages and districts of the island; and shall prepare or cause to be prepared plans thereof, marking thereon the various allotments belonging to or claimed by private individuals and those belonging to or claimed by the Crown, so far as the same can be ascertained. And for the purposes of such survey, or for the amendment of any survey already made, it shall be lawful for the Surveyor-General, or any officer authorized by him in writing,

to enter upon all lands situated within such villages or districts as aforesaid, and to require all persons having the custody or possession of any deeds or documents relating thereto to produce the same. And if any such person shall, without reasonable cause, refuse or neglect to produce the same within ten days after the same shall have been demanded, or if any person, when required, shall, without reasonable cause, refuse or neglect to give full information touching the custody or possession thereof, every such person shall be liable to a fine not exceeding fifty rupees.

One month's previous notice of survey.

10 The Surveyor-General shall be bound to give at least one month's previous notice, by such means as will secure the greatest publicity thereto, in the division intended to be surveyed, of his intention to survey the same, and of the day on which he intends to commence such survey.

Surveys and plans already prepared may be acted upon.

11 In case the Surveyor-General has already, at the date of the passing of this Ordinance, surveyed any division, and prepared a plan thereof, it shall not be deemed necessary to make a new survey of the same; but every such plan may be accepted and acted upon (with such amendments, if any, as to the said Surveyor-General shall seem necessary), as if the same had been prepared in pursuance of this Ordinance.

Plans to be delivered to registrar.

12 As soon as the survey and plan of any division shall have been completed, the Surveyor-General shall report the same to the Governor, and shall at the same time deliver or transmit the said plan to the registrar.

III.—*Duplicates of Deeds and Instruments.*

Duplicates to be transmitted to registrar.

13 Every district judge, commissioner, or justice of the peace before whom any deed or other instrument shall be executed under the provisions of the Ordinance No. 17 of 1852, shall deliver or transmit the same to the registrar of the district wherein such judge, commissioner, or justice resides, and in case the land is situate in a district other than that in which such judge, commissioner, or justice resides, he shall likewise transmit or deliver a copy of such deed to the registrar of the last-mentioned district.

Registrar to bind and index all duplicates.

14 Every such registrar shall from time to time cause all duplicates transmitted or delivered to him under the preceding section, or by any notary under the provisions of the Ordinance No. 2 of 1877, to be bound in convenient volumes, distinguished by the name of the judge, commissioner, justice, or notary who has attested the same, and shall keep and preserve the same in his office, and shall also prepare and keep proper indexes thereof for general reference.

Inspection thereof.

And all such duplicates and indexes shall at all reasonable hours, upon a written application in that behalf, be open to the inspection and perusal of all parties claiming to be interested therein, or to their proctors or agents duly authorized thereto in writing, with liberty to demand and receive copies thereof or extracts therefrom.

IV.—*Registration.*

Registrars to prepare books for registration.

15 (1) Every such registrar shall prepare and keep such books as shall be required by the rules and regulations for the registration therein of any deed which may be brought to him for registration as hereinafter provided ; allotting to each book some defined division of the province or district, so that every deed relating to lands situate therein may be registered therein in such manner as to facilitate reference to all existing alienations or incumbrances affecting the same lands. And every such book shall be kept in duplicate, and one copy thereof shall be kept in the land register office in Colombo, and the other in the branch office of the said province or district ; and the same shall at all reasonable hours, upon a written application in that behalf, be open to the inspection and perusal of all parties claiming to be interested therein, or to their proctors or agents duly authorized thereto in writing, with liberty to demand and receive copies thereof or extracts therefrom.

Inspection thereof.

(2) The volumes and books kept under section 36 and section 37 of the Ordinance No. 8 of 1863 shall be deemed to be parts of the volumes and books kept under this Ordinance.

All deeds, &c., affecting land to be registered.

16 Every deed or other instrument of sale, purchase, transfer, assignment, or mortgage of any land or other immovable property, or of promise, bargain, contract, or agreement for effecting any such object, or for establishing or transferring any security, interest, or incumbrance affecting such land or property (other than a lease at will, or for any period not exceeding one month); or of contract or agreement for the future sale or purchase or transfer of any such land or property ; and every deed or act of release, surrender, or annulment of or affecting any such deed or other instrument, and the probate of any will ; and every grant of administration affecting any such land or property ; and every judgment or order of court affecting any such land or other property ; shall be registered in the branch office of the district in which such land or property is situate ; that is to say, in the books mentioned in the preceding section, unless or until the division has come within the operation of "The Land Registration Ordinance, 1877," and if the division has come or hereafter comes within the operation of the said Ordinance, in the books mentioned in the 26th section of the said Ordinance.

17 Every deed, judgment, order, or other instrument as aforesaid, unless so registered, shall be deemed void as against all parties claiming an adverse interest thereto on valuable consideration, by virtue of any subsequent deed, judgment, order, or other instrument, which shall have been duly registered as aforesaid. Provided, however, that fraud or collusion in obtaining such last-mentioned deed, judgment, order, or other instrument, or in securing such prior registration, shall defeat the priority of the person claiming thereunder ; and that nothing herein contained shall be

deemed to give any greater effect or different construction to any deed, judgment, order, or other instrument registered in pursuance hereof, save the priority hereby conferred on it.

Production of deed, &c., and registration thereof.

18 (1) It shall be lawful for the party gaining an interest or benefit under any deed, judgment, order, or other instrument required to be registered under section 16, personally or by his agent to produce the same, or a duplicate or authenticated copy thereof, to the registrar of the district in which the land or property thereby affected is situate; and such registrar shall forthwith, upon delivery to him of the proper stamp for registration, register the same on the appointed page of the book assigned for the division, village, or district wherein the land thereby affected is situate, and shall transmit a note of such registration to the office of the Registrar-General of Lands to be filed of record.

Registrar may call for proof, and give notice to third parties.

(2) Every such registrar shall be entitled, if he see fit so to do, to require any person desiring such registration to show by affidavit or otherwise, as he may direct, that such deed, judgment, order, or other instrument was duly made, granted, executed, or pronounced. And where he may have reason to apprehend that a fraud is about to be committed on any party, he shall be entitled, and is hereby required, to give notice to such party of the intended registration, in order to prevent the same being affected to his prejudice.

Deeds, &c., to be stamped before registration.

(3) No deed, judgment, order, or other instrument shall be registered, unless the same has been stamped with a stamp denoting that the duty payable thereon has been duly paid as hereinafter provided.

Stamp duties

(4) The duty payable for the registration of the several instruments mentioned and described in the third schedule hereunto annexed shall be the amount set down in figures against the same respectively, together with the additional duty, if any, payable under section 20.

Registration to be endorsed on document.

19 The registrar shall immediately after such registration make and sign an endorsement thereof on the document produced as aforesaid, and deliver the same to the party effecting the registration, or his agent or representative, and the endorsement shall be as near as practicable in the form B in the fourth schedule hereunto annexed.

Where several lands are included in one deed, stamp duty to be levied in respect of each land

20 In all cases of transfer by sale, gift, or otherwise, or of mortgage affecting more than one land, the additional stamp duty mentioned in the fifth schedule hereunto annexed shall be levied for the registration of each land other than the first land.

Proviso.

Provided that in cases wherein different allotments are treated and described as one property, and from their situation as respects each other can be included in one survey, the stamp duty shall be leviable as on one land only.

Where several lands included in the same deed are

21 (1) When several lands are affected by the same deed, and those lands lie in more districts than one, it shall be lawful for the party gaining an interest or benefit thereunder

in more than one district.

to apply to the Registrar-General of Lands in Colombo, or to the registrar of each of the districts in which the lands are situate, to have the deed registered.

(2) If the Registrar-General is applied to, the duty for the registration of such deed in any one of such districts shall be the duty fixed by the third schedule hereunto annexed, together with the duty, if any, payable under section 20, with an increase of ten rupees for the additional registration in the other districts in which the lands are situate. The Registrar-General, upon such application being made to him as aforesaid, shall forthwith cause to be despatched to the registrar of each of such districts the particulars required for the registration of the deed so far as concerns that district, and on receipt from the registrars of such districts of information that the registration has been effected in their districts respectively, the Registrar-General shall make and sign an endorsement on such deed of the registration in the said districts.

(3) If the said deed is tendered for registration by the party gaining an interest or benefit thereunder to the registrar of each district in which the lands are respectively situate, the first registrar to whom the deed is tendered shall levy the duty fixed by the third schedule hereunto annexed, together with the duty, if any, payable under section 20 for the registration of such deed, and it shall be registered free of any further duty in the registry office of every other district in which the lands affected thereby are respectively situate.

Applications for registration of probates, &c.

22 When a party applies to have a probate or letters of administration registered, he shall produce to the registrar an authenticated copy of the inventory or list of appraisement filed in the case in which application for probate or administration was made, and shall further give such description of the land as the registrar shall require for the purposes of registration.

Deeds, &c., should describe lands accurately.

23 Every deed, judgment, order, or other instrument, or duplicate or authenticated copy thereof, produced for registration, shall contain embodied therein, or in a schedule annexed thereto, an accurate description of the property which is affected thereby, its boundaries, extent, and situation with respect to the village, pattu, kóralé, or other division of the district. If such property consists of a portion only of one land or allotment, such portion shall be clearly and accurately defined by its particular boundaries and extent. And if such property consists of an undivided share in a land, it shall be so stated, and a particular description given as aforesaid of the entire land in which such share or interest is held, together with the extent of such share or interest.

Volume and folio of previous registry to be quoted.

24 When any property which shall have been once registered shall be subsequently sold, encumbered, or otherwise affected or dealt with, the deed or instrument purporting to transfer or otherwise deal with or affect such property

shall state the volume and folio of the register in which such property has been previously registered, as the same shall appear in the register already made of such property.

Caveat in certain cases.

25 It shall be competent to any party to lodge with the registrar a caveat to prevent the registration of any transfer or security affecting any land or other property as aforesaid; and such caveat shall entitle such party to notice of any application for registration as regards such land or property, unless where the caveat limits the time of its operation, in which case it shall cease to have any force or value upon the lapse of such time. But no such caveat shall be sufficient to prevent the registration applied for, unless it be followed up within thirty days after service of the notice of application by an action before some competent court and notice thereof to the registrar; in which case the registrar shall suspend the registration until the final adjudication of such action.

On death of owner, the executor or administrator shall be registered.

26 On the death of any registered owner or other interested party, all lands belonging to him, or in which he may have an interest, shall remain in his name until probate or administration of his estate shall have been granted, whereupon, and upon a written application in that behalf, the name of the executor or administrator shall be registered in the books until a partition, transfer, or alienation of the lands shall have been effected, whereupon, and upon like application, such partition, transfer, or alienation shall be registered as hereinbefore provided.

On partition, a fresh registration shall be effected.

27 On the partition of any land registered as one allotment, the registrar shall, upon a written application in that behalf, register the new allotments on separate and fresh pages of the book, with such references as may be necessary to identify them with the original registration.

List of executors, &c.

28 The secretary of every district court throughout the island shall, at the end of every month, transmit to the registrar of the province or district in which such court is situate, a list of all persons appointed executors, administrators, guardians, or curators, showing the numbers of the cases in which such appointments have been made. And such registrar shall also from time to time prepare alphabetical lists of the persons so appointed, and keep and preserve the same in his office, and also transmit a copy thereof to the land register office in Colombo. And all such lists shall at all reasonable hours, upon a written application in that behalf, be open to the inspection and perusal of all persons.

List of Government debtors, &c.

29 The government agent of every province of the island shall, at the end of every month, transmit to the registrar or registrars in his province a list of all persons who shall have become debtors to the Crown, or sureties to such debtors. And every such registrar shall from time to time prepare alphabetical lists of such debtors and sureties, and keep and preserve in his office, and also transmit a

copy thereof to the land register office in Colombo. And all such lists shall, upon a written application in that behalf, be similarly open to inspection and perusal of all persons.

Penalty on persons obstructing.

30 Any person who shall wilfully resist, obstruct, or hinder, or who shall incite or assist others to resist, obstruct, or hinder any person acting in pursuance of the authority given by this Ordinance, shall be guilty of an offence, and be liable on conviction to a fine not exceeding fifty rupees.

Penalty on abuse of authority.

31 Any person who shall, under pretence of performing any act under the authority of this Ordinance, use any unnecessary violence, or give any vexatious annoyance, shall be guilty of an offence, and be liable on conviction to a fine not exceeding fifty rupees.

On refusal or neglect of registrars, district court may, on a rule *nisi*, make an order.

32 In case any registrar shall refuse or wilfully neglect or delay to perform any duty imposed upon him by this Ordinance, it shall be competent for the district court of the district wherein the land thereby affected is situate, upon affidavit or other proof thereof, to issue a rule on such registrar, calling on him to show cause why such duty shall not be performed ; and after cause shown, or upon default thereof, to make such order as the said court may deem right ; which order shall have the effect of, and be put in execution in the same manner as, a judgment pronounced by such court.

Penalty for fraudulent registration.

33 Any person guilty of fraudulently registering any land or interest not belonging to him, and with intent to defraud or injure the owner thereof, or the person rightly interested therein, or any other person, shall be guilty of an offence, and be liable on conviction to imprisonment of either description for a term which may extend to three years.

List of fines imposed under this Ordinance.

34 Every magistrate and judge before whom any complaints or causes arising in respect of this Ordinance shall be tried, shall at the end of every month transmit to the Registrar-General a list or account of all fines imposed and recovered by such magistrate or judge.

SCHEDULE I.

Ordinances repealed

(See Section 2.)

Number and Year.	Subject or Title.	Extent of Repeal.
8 of 1863 ...	"An Ordinance to provide for the Registration of Titles to Land and of all Deeds affecting Land in this Colony"	The whole
3 of 1865 ...	"An Ordinance to amend the Ordinance No. 8 of 1863"	The whole
12 of 1889 ...	"An Ordinance to amend the Law relating to the Registration of Titles to, and of Deeds affecting, Land in this Colony	The whole

SCHEDULE II.

A.—Oath of Office.

(See Section 5.)

I, *A. B.*, do sincerely promise and swear that I will faithfully and diligently execute, to the utmost of my abilities, the duties of Registrar-General of Lands (*or* Registrar of Lands for the *Western* Province, *or* for the District of *Colombo*, *as the case may be*).

So help me GOD,
A. B.

Sworn on the ——— day of ———, 18 —.

Before me,
C. D.,
Justice of the Peace.

SCHEDULE III.

(See Section 18.)

Every instrument of sale, purchase, transfer, assignment, or mortgage of any immovable property, or of promise, bargain, contract, or agreement for effecting any such object, or for transferring any security, interest, or incumbrance affecting such property (other than a lease), or of contract or agreement for the future sale or purchase or transfer of any such property—

	Rs.	c.
(*a*) Where the consideration of the instrument is wholly in money, or where the sum recoverable upon the instrument is definite, and where such consideration or sum recoverable does not exceed Rs. 100 ...	1	0
Where it exceeds Rs. 100 and does not exceed Rs. 250	2	0
Rs. 250 and does not exceed Rs. 500	3	0
Rs. 500 do. Rs. 1,000	4	0
Rs. 1,000 do. Rs. 2,500	5	0
Rs. 2,500 do. Rs. 5,000	7	50
Rs. 5,000 do. Rs. 10,000	10	0
And for every further Rs. 10,000 or part of Rs. 10,000	10	0
(*b*) Where the consideration of the instrument is *not wholly* in money, an addition of ...	10	0
(*c*) Where the money consideration of the instrument is *not stated*, but the *value* of the property is stated—		
Where such value does not exceed Rs. 100 ...	1	0
Where it exceeds Rs. 100 and does not exceed Rs. 250	2	0
Rs. 250 and does not exceed Rs. 500	3	0
Rs. 500 do. Rs. 1,000	4	0
Rs. 1,000 do. Rs. 2,500	5	0
Rs. 2,500 do. Rs. 5,000	7	50
Rs. 5,000 do. Rs. 10,000	10	0
And for every further Rs. 10,000 or part of Rs. 10,000	10	0
(*d*) Where neither the money consideration of the instrument nor the value of the property is stated ...	20	0
(*e*) Where the total amount of money ultimately recoverable upon the instrument is indefinite, a duty of...	25	0

	Rs.	c.
(*f*) Where the consideration of the instrument, or where the sum recoverable upon the instrument, is a definite and certain sum of money already lent, advanced, or due, or to be lent and advanced on the execution of the instrument, together with an indefinite sum to be thereafter lent, advanced, or paid, or which may become due upon an account current, the same duty and conditions as to calculation of duty on the definite and certain sum of money already lent, advanced, or due, or to be lent and advanced on the execution of the instrument, as where the sum recoverable on the instrument is definite, together with an additional duty of ...	25	0

2. Every lease, transfer, or assignment thereof—

(*a*) Where the consideration is wholly in money and does not exceed Rs. 100			1	0
Where it exceeds Rs. 100 and does not exceed Rs. 250			2	0
Rs. 250 and does not exceed	Rs. 500		3	0
Rs. 500	do.	Rs. 1,000	4	0
Rs. 1,000	do.	Rs. 2,500	5	0
Rs. 2,500	do.	Rs. 5,000	7	50
Rs. 5,000	do.	Rs. 10,000	10	0
And for every further Rs. 10,000 or part of Rs. 10,000			10	0

Provided that the duty shall not exceed that on a lease for five years.

(*b*) Every lease, transfer. or assignment thereof, where the consideration is partly in produce, and the value of such produce is not stated in the instrument, a duty of Rs. 2·50 in addition to the duty upon the stated pecuniary consideration.

(*c*) Every lease, transfer, or assignment thereof, where the consideration consists wholly of produce, a duty of	1	0

3. Every instrument of release, surrender, or annulment, and every receipt or discharge—

Where the amount for which such instrument or receipt or discharge is given does not exceed Rs. 5,000 ...	1	0
Where it is indefinite or it exceeds Rs. 5,000 ...	2	50

4. Every instrument of partition, and every judgment or decree of court decreeing such partition, where the value of every land partitioned and divided does not appear on the face of the instrument or judgment or decree: for each land so partitioned and divided a duty of 5 0

Where the value of every land appears on the face of the instrument or judgment or decree, and the total value does not exceed Rs. 100			1	0
Where it exceeds Rs. 100 and does not exceed		Rs. 250	2	0
Rs. 250	do.	Rs. 500	3	0
Rs. 500	do.	Rs. 1,000	4	0
Rs. 1,000	do.	Rs. 2,500	5	0
Rs. 2,500	do.	Rs. 5,000	7	50
Rs. 5,000	do.	Rs. 10,000	10	0
And for every further Rs. 10,000 or part of		Rs. 10,000	10	0

		Rs.	c.
5.	Caveat for every land affected thereby	10	0
6.	Every instrument of *any kind whatsoever* not charged in this schedule nor expressly exempted from registration duty	10	0
7.	Every application, copy, or extract	1	0
8.	Every judgment or order of court affecting immovable property, and every probate of a will or letters of administration	5	0

SCHEDULE IV.

(See Section 19.)

B.

Registered $A^{*}\frac{5\dagger}{130\ddagger}$

John Smith,
Registrar.

Kandy, January 7, 1884.

* Division of District.
† Volume of Divisional Register.
‡ Folio of Volume.

SCHEDULE V.

(See Section 20.)

	Rs.	c.
Each additional land in every instrument of transfer by sale, gift, or otherwise, or of mortgage affecting more than one land, where the aggregate value of all the lands or the sum recoverable upon the instrument does not exceed Rs. 100	0	25
Where it exceeds Rs. 100 and does not exceed Rs. 250 ...	0	50
Where it exceeds Rs. 250	1	0

13th December, 1891.

No. 15 of 1891.

An Ordinance to make provision for the Formation and Registration of Building Societies.

Preamble.

WHEREAS it is expedient to make provision for the formation and registration of building societies: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance may be cited as "The Building Societies Ordinance, 1891."

Commencement of Ordinance.

2 This Ordinance shall commence and take effect on the first day of January, 1892.

Definition of "registrar."

3 "The registrar" in this Ordinance means the registrar for the time being of the Supreme Court, who shall for the purposes of this Ordinance be the registrar of building societies.

Definition of "court."

4 "The court" in this Ordinance means the district court of the district in which the chief office or place of meeting for the business of the society is situate.

Definition of "terminating" and "permanent societies."

5 A "terminating society" in this Ordinance means a society which by its rules is to terminate at a fixed date, or when a result specified in its rules is attained;

A "permanent society" means a society which has not by its rules any such fixed date or specified result at which it shall terminate.

Incorporation of societies.

6 Every society now subsisting or hereafter established shall, upon receiving a certificate of incorporation under this Ordinance, become a body corporate by its registered name, having perpetual succession until terminated or dissolved in manner herein provided, and a common seal.

Certificate of incorporation how to be granted.

7 A certificate of incorporation under this Ordinance shall not be granted to an existing society except upon application to the registrar made by authority of a general meeting of the society specially called for the purpose; and the registrar may require of the person making the application a declaration that such authority was duly given.

Purpose for which societies may be established.

8 Any number of persons may establish a society under this Ordinance, either terminating or permanent, for the purpose of raising by the subscriptions of the members a stock or fund for making advances to members out of the funds of the societ y upon security of freehold or leasehold estate, by way of mortgage; and any society under this Ordinance shall, so far as is necessary for the said purpose, have power to hold land or mortgages over lands, and may from time to time raise funds by the issue of shares of one or more denominations, either paid up in full or to be paid by periodical or other subscriptions, and with or without accumulating interest, and may repay such funds when no

longer required for the purposes of the society. Provided always that any land to which any such society may become absolutely entitled by purchase at fiscal's sale, or by surrender, shall as soon afterwards as may be conveniently practicable be sold or converted into money.

Limitation of liability of members.

9 The liability of any member of any society under this Ordinance in respect of any share upon which no advance has been made shall be limited to the amount actually paid or in arrear on such share, and in respect of any share upon which an advance has been made shall be limited to the amount payable thereon under any mortgage or other security or under the rules of the society.

Power to borrow money.

10 With respect to the borrowing of money by societies under this Ordinance, the following provisions shall have effect:

(1) Any society under this Ordinance may receive deposits or loans, at interest, within the limits in this section provided, from the members or other persons, or from corporate bodies, joint stock companies, or from any terminating building society, to be applied to the purposes of the society;

(2) In a permanent society the total amount so received on deposit or loan, and not repaid by the society, shall not at any time exceed two-thirds of the amount for the time being secured to the society by mortgages from its members;

(3) In a terminating society the total amount so received and not repaid may either be a sum not exceeding such two-thirds as aforesaid, or a sum not exceeding twelve months' subscriptions on the shares for the time being in force;

(4) Any deposits with or loans to a society under this Ordinance made before the commencement of this Ordinance in accordance with its rules are hereby declared to be valid and binding on the society, but no further deposits or loans shall be received by such society except within the limits provided by this section;

(5) Every deposit book or acknowledgment or security of any kind given for a deposit or loan by a society shall have printed or written therein or thereon the whole of the 9th and 10th sections of the present Ordinance.

Matters to be set forth in the rules.

11 The rules of every society hereafter established under this Ordinance shall set forth—

(1) The name of the society and chief office or place of meeting for the business of the society;

(2) The manner in which the stocks or funds of the society are to be raised, the terms upon which paid-up shares (if any) are to be issued and repaid, and whether preferential shares are to be issued,

and if so, within what limits, if any; and whether the society intends to avail itself of the borrowing powers contained in this Ordinance, and if so, within what limits not exceeding the limits prescribed by this Ordinance;

(3) The purposes to which the funds of the society are to be applied, and the manner in which they are to be invested;

(4) The terms upon which shares may be withdrawn, and upon which mortgages may be redeemed;

(5) The manner of altering and rescinding the rules of the society, and of making additional rules;

(6) The manner of appointing, remunerating, and removing the board of directors or committee of management and other officers;

(7) The manner of calling general and special meetings of the members;

(8) Provision for an annual or more frequent audit of the accounts, and inspection by the auditors of the mortgages and other securities belonging to the society;

(9) Whether disputes between the society and any of its members, or any persons claiming by or through any member, or under the rules, shall be settled by reference to the court, or to the registrar, or to arbitration;

(10) Provision for the device, custody, and use of the seal of the society, which shall in all cases bear the registered name thereof;

(11) Provision for the custody of the mortgage deeds and other securities belonging to the society;

(12) The powers and duties of the board of directors or committee of management and other officers;

(13) The fines and forfeitures to be imposed on members of the society;

(14) The manner in which the society, whether terminating or permanent, shall be terminated or dissolved.

Rules to be made

12 The persons intending to establish a society under this Ordinance shall transmit to the registrar two copies of the rules agreed upon by them for the government of the society, signed by three of such persons and by the intended secretary or other officer; and the registrar, if he find that the rules contain all the provisions set forth in section 11 of this Ordinance, and that they are in conformity with this Ordinance, shall return one copy of the rules to the secretary or other officer of the society, with a certificate of incorporation, and shall retain and register the other copy.

Registration of rules.

Provided that no society shall be registered under this Ordinance in a name identical with that in which a subsisting society is already registered, or so nearly resembling the same as to be calculated to deceive, unless such subsisting society is in course of being terminated or dissolved and consents to such registration. The society shall supply

to any person requiring the same a complete printed copy of the rules, with a copy of the certificate of incorporation appended thereto, and shall be entitled to charge for every such printed copy of rules a sum not exceeding fifty cents.

Alteration of rules.

13 Any society under this Ordinance existing previously to the passing of this Ordinance may alter or rescind any rule, or make any additional rule, by the vote of three-fourths of the members present at a special meeting called for the purpose, of which meeting notice specifying the proposed alteration, rescission, or addition shall be given to the members in the manner provided by the rules of the society, or in the absence of such rules, by letters sent through the post seven days previous to such meeting, and any society hereafter established may alter or rescind any rule or make an additional rule in the manner its rules direct ; and every society under this Ordinance altering or rescinding any rule, or making an additional rule, shall forward two copies of every resolution for rescission of a rule, and of every alteration or addition to its rules, signed by three members and the secretary, and a declaration of an officer of the society that the provisions of this section have been complied with, to the registrar, who, if he find that such alteration, addition, or rescission is in conformity with this Ordinance, shall return one of the copies to the secretary or other officer of the society, with a certificate of registration, and retain and register the other copy.

Rules may be made to provide forms of conveyance, &c

14 Any society under this Ordinance, in a schedule to its rules, may describe the forms of conveyance, mortgage, transfer, agreement, bond, security for deposit or loan, or other instrument necessary for carrying its purposes into execution.

Evidence of registration.

15 Any certificate of incorporation or of registration, or other document relating to a society under this Ordinance purporting to be signed by the registrar, shall, in the absence of any evidence to the contrary, be received by all courts without proof of the signature ; and a printed copy of the rules of a society, certified by the secretary or other officer of the society to be a true copy of its registered rules, shall, in the absence of any evidence to the contrary, be received as evidence of the rules.

Rules to be binding on members and others.

16 The rules of a society under this Ordinance shall be binding on the several members and officers of the society, and on all persons claiming on account of a member, or under the rules, all of whom shall be deemed and taken to have full notice thereof.

Change of name.

17 A society under this Ordinance may change its name by resolution of three-fourths of the members present at a meeting called for the purpose, provided that the new name is not identical with that of any society previously registered and still subsisting, or so nearly resembling the same as to be calculated to deceive, unless such subsisting society is in course of being terminated or dissolved, and

consents to such registration. Notice of the change of name shall be sent to the registrar and registered by him, and he shall give a certificate of registration. Such change of name shall not affect any right or obligation of the society or of any member thereof or other person concerned.

Officers to give security.

18 Every officer of a society under this Ordinance having the receipt or charge of any money belonging to the society shall, before taking upon himself the execution of his office, become bound, with one sufficient surety at the least, in a bond according to the form set forth in the schedule to this Ordinance, or give the security of a guarantee society, or such other security as the society direct, in such sum as the society require, conditioned for rendering a just and true account of all moneys received and paid by him on account of the society, and for payment of all sums of money due from him to the society, at such times as its rules appoint or as the society require him to do so.

Officers to account.

19 Every such officer, his executors, or administrators shall, upon demand made, or notice in writing given or left at his last or usual place of residence, give in his account as may be required by the board of directors or committee of management of the society, to be examined and allowed or disallowed by them, and shall, on the like demand or notice, pay over all the moneys remaining in his hands, and deliver all securities and effects, books, papers, and property of the society in his hands or custody, to such person as the society appoint; and in case of any neglect or refusal to deliver such account, or to pay over such moneys, or to deliver such securities and effects, books, papers, and property in manner aforesaid, the society may sue upon the bond.

Investment of surplus funds.

20 Any society under this Ordinance may from time to time, as the rules permit, invest any portion of the funds of the society not immediately required for its purposes, upon immovable property or leasehold securities, or in the public funds of Great Britain, India, or Ceylon, or in or upon any stock or securities payment of the interest on which is guaranteed by authority of Government, or in the case of terminating societies with other societies under this Ordinance; and for the purpose of investments in such public funds the society, or the board of directors, or committee of management thereof, may from time to time appoint and remove trustees.

Payment of sums not exceeding one thousand rupees when members or depositors die intestate.

21 If any member of or depositor with a society under this Ordinance having in the funds thereof a sum of money not exceeding one thousand rupees shall die intestate, then the amount due may be paid to the person who shall appear to the directors or committee of management of the society to be entitled to receive the same, without taking out letters of administration, upon the society receiving satisfactory evidence of death and a declaration that the member or depositor died intestate, and that the person so claiming is entitled as aforesaid.

Payment to persons appearing to be next of kin declared valid.

Provided that whenever the society, after the decease of any member or depositor, has paid any such sum of money to the person who at the time appeared to be entitled to the effects of the deceased, under the belief that he had died intestate, the payment shall be valid and effectual with respect to any demand from any other person as next of kin, or as the lawful representative of such deceased member or depositor against the funds of the society ; but nevertheless such next of kin or representative shall have his lawful remedy for the amount of such payment as aforesaid against the person who has received the same.

Punishment for fraud in withholding money.

22 If any person whosoever by false representation or imposition obtains possession of any moneys, securities, books, papers, or other effects of a society under this Ordinance, or having the same in his possession withholds or misapplies the same, or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society and authorized by this Ordinance, he shall be liable on conviction to a penalty not exceeding two hundred rupees, and to be ordered to deliver up to the society all such moneys, securities, books, papers, or other effects of the society, and to repay the amount of money applied improperly, and in default of such delivery of effects, or repayment of such amount of money, or payment of such penalty aforesaid, to be sentenced to rigorous or simple imprisonment for any term not exceeding three months.

Proceedings necessary for the termination or dissolution of a society.

23 A society under this Ordinance may terminate or be dissolved—

(1) Upon the happening of any event declared by its rules to be the termination of the society.

(2) By dissolution in manner herein prescribed by its rules.

(3) By dissolution with the consent of three-fourths of the members holding not less than two-thirds of the number of shares in the society, testified by their signatures to the instrument of dissolution. The instrument of dissolution shall set forth—

(*a*) The liabilities and assets of the society in detail;

(*b*) The number of members, and the amount standing to their credit in the books of the society ;

(*c*) The claims of depositors and other creditors, and the provision to be made for their payment ;

(*d*) The intended appropriation or division of the funds and property of the society.

(*e*) The names of one or more persons to be appointed trustees for the special purpose, and their remuneration.

Alterations in the instrument of dissolution may be made with the like consent, testified in the same manner. The instrument of dissolution and all alterations therein shall

be registered in the manner provided for the registration of rules, and shall be binding upon all the members of the society.

(4) By winding up, either voluntarily under the supervision of the court, or by the court, if the court shall so order on the petition of any member authorized by three-fourths of the members present at a general meeting of the society specially called for the purpose to present the same on behalf of the society, or on the petition of any judgment-creditor for not less than five hundred rupees, but not otherwise. General rules and orders for regulating the proceedings of the court under this section may be from time to time made by the authority for the time being empowered to make general rules and orders for the court. Notice of the commencement and termination of every dissolution or winding up shall be sent to the registrar, and registered by him.

Societies may unite with others, or one society may transfer its engagements to another.

24 Two or more societies under this Ordinance may unite and become one society, with or without any dissolution or division of the funds of such societies or either of them, or a society under this Ordinance may transfer its engagements to any other such society, upon such terms as shall be agreed upon by three-fourths of the members (holding not less than two-thirds of the whole number of shares) of each of such societies present at two general meetings respectively convened for the purpose; but no such transfer shall prejudice any right of any creditor of either society. Notice of every such union or transfer shall be sent to the registrar, and registered by him.

Determination of disputes by arbitration.

25 Where the rules of a society under this Ordinance direct disputes to be referred to arbitration, arbitrators shall be named and elected in the manner such rules provide, or if there be no such provision, at the first general meeting of the society, none of the said arbitrators being beneficially interested directly or indirectly in its funds, of whom a certain number, not less than three, shall be chosen by ballot in each such case of dispute, the number of the said arbitrators and mode of ballot being determined by the rules of the society; the names of such arbitrators shall be duly entered in the minute book of the society, and in case of the death or refusal or neglect of any of the said arbitrators to act, the society, at a general meeting, shall name and elect an arbitrator to act in the place of the arbitrator dying, or refusing, or neglecting to act; and whatever award shall be made by the arbitrators or major part of them, according to the true purport and meaning of the rules of the society, shall determine the dispute; and should either of the parties to the dispute refuse or neglect to comply with or conform to such award within a time to be limited therein, the court, upon good and sufficient proof being adduced of such award

Court may order compliance with the decision of arbitration

having been made and of the refusal of the party to comply therewith, shall enforce compliance with the same upon the petition of any person concerned.

Where the parties to any dispute arising in a society under this Ordinance agree to refer the dispute to the registrar, or where the rules of the society direct disputes to be referred to the registrar, the award of the registrar shall have the same effect as that of arbitrators.

Determination of disputes by registrar.

26 The court may hear and determine a dispute in the following cases :

Determination of disputes by court.

(1) If it shall appear to the court upon the petition of any person concerned, that application has been made by either party to the dispute to the other party, for the purpose of having the dispute settled by arbitration under the rules of the society, and that such application has not within forty days been complied with, or that the arbitrators have refused or for a period of twenty-one days have neglected to make any award.

(2) Where the rules of the society direct disputes to be referred to the court.

27 Every determination by arbitrators or by the court or by the registrar under this Ordinance of a dispute shall be binding and conclusive on all parties, and shall be final to all intents and purposes, and shall not be subject to appeal, and shall not be removed or removable into any court, or restrained or restrainable by the injunction of any court; provided always that the arbitrators, or the registrar, or the court, as the case may be, may, at the request of either party, state a case for the opinion of the Supreme Court on any question of law, and shall have power to grant to either party to the dispute such discovery as to documents and otherwise as might now be granted by any court, such discovery to be made on behalf of the society by such officer of the society as the arbitrators, registrar, or court may determine.

Determination to be final.

28 A society under this Ordinance may purchase, build, hire, or take upon lease any building for conducting its business, and may adapt and furnish the same, and may purchase or hold upon lease any land for the purpose only of erecting thereon a building for conducting the business of the society, and may sell, exchange, or let such building or land or any part thereof.

Buildings for the purpose may be purchased or leased.

29 Any person under the age of twenty-one years may be admitted as a member of any society under this Ordinance, the rules of which do not prohibit such admission, and may give all necessary acquittances ; but during his minority he shall not be competent to vote or hold any office in the society.

Minors may be elected members.

Shares may be held by two or more persons.

30 Two or more persons may jointly hold a share or shares in any society under this Ordinance; and all shares held jointly by any two or more persons in any society subsisting at the time appointed for the commencement of this Ordinance the rules whereof shall not prohibit such joint holding, shall be deemed to be lawfully so held.

Societies shall make annual audits and statement of the funds to the members.

31 The secretary or other officer of every society under this Ordinance shall, once in every year at least, prepare an account of all the receipts and expenditure of the society since the preceding statement, and a general statement of its funds and effects, liabilities and assets, showing the amounts due to the holders of the various classes of shares respectively, to depositors and creditors for loans, and also the balance due or outstanding on their mortgage securities (not including prospective interest), and the amount invested in the funds or other securities, and every such account and statement shall be attested by a public auditor to be appointed by the Governor, to whom the mortgage deeds and other securities belonging to the society shall be produced, and such account and statement shall be countersigned by the secretary or other officer, and be published in the *Government Gazette;* and every member, depositor, and creditor for loans shall be entitled to receive from the society a copy of such account and statement, and a copy thereof shall be sent to the registrar within fourteen days after the annual or other general meeting at which it is presented, and another copy thereof shall be suspended in a conspicuous place in every office of the society under this Ordinance.

Special power of registrar.

32 With respect to the inspection of the affairs of societies incorporated under this Ordinance the following provisions shall have effect:

Application from members.

(1) Upon the application of one-fifth of the number of members of a society, or of one hundred members in the case of a society of more than five hundred members, the registrar, with the consent of the Governor, in every case may—

Inspectors.

(*a*) Appoint one or more inspectors to examine into the affairs of such society and to report thereon, who may require the production of all or any of the books and documents of the society, and may examine on oath or affirmation its officers, members, agents, and servants, in relation to its business, and may administer such oath or affirmation accordingly;

Special meetings.

(*b*) Call a special meeting of the society in such manner and in such time and place as the registrar may direct, and may direct what matters shall be discussed and determined on at such meeting, which shall have all the powers of a meeting called according to the rules of the society, and shall in all cases

have power to appoint its own chairman, any rule in the society to the contrary notwithstanding.

(2) The application herein mentioned shall be supported by evidence for the purpose of showing that the applicants have good reason for requiring such inspection to be made or meeting to be called, and that they are not actuated by malicious motives in their application, and such notice thereof shall be given to the society as the registrar shall direct. **Application to be supported by evidence.**

(3) The registrar may, if he thinks fit, require the applicants to give security for the cost of the proposed inspection or meeting, before appointing any inspector or calling such meeting. **Security for costs.**

(4) All expenses of and incidental to any such inspection or meeting shall be defrayed either by the members applying for the same or out of the funds of the society, as the registrar shall direct. **Expenses.**

33 Notwithstanding anything contained in "The Stamp Ordinance, 1890," every instrument of mortgage executed by a member of a society incorporated under this Ordinance in favour of any such society shall be subject to only one-half of the stamp duty payable in respect of such bond or mortgage under the provisions of "The Stamp Ordinance, 1890." **Stamp duty.**

34 When all moneys intended to be secured by any mortgage under this Ordinance have been fully paid or discharged, the society may endorse upon or annex to such mortgage a receipt under the seal of the society, countersigned by the secretary or manager, and such receipt shall vacate the mortgage. **Receipt endorsed on mortgage to be sufficient discharge.**

35 If any society hereafter formed under this Ordinance, or any persons representing themselves to be a society under this Ordinance, commence business without first obtaining a certificate of incorporation under this Ordinance, or if any society under this Ordinance makes default in forwarding to the registrar any returns or information by this Ordinance required, or in inserting in any deposit book or acknowledgment or security for loans the matters required by section 10 of this Ordinance to be inserted therein, or makes a return wilfully false in any respect, the person or persons by whom business shall have been so commenced, or by whom such default shall have been made, or who shall have made such wilfully false return, shall be liable for every day business is so carried on, or for every such default or false return, upon conviction before a police court on the complaint of the registrar, to a fine not exceeding fifty rupees. **Penalties.**

If any society under this Ordinance receives loans or deposits in excess of the limits prescribed by this Ordinance, the directors or committee of management of such society receiving such loans or deposits on its behalf shall be personally liable for the amount so received in excess.

Regulations.

36 The Governor, with the advice of the Executive Council, may from time to time make regulations respecting the fees to be paid to the public auditor or for the transmission, registration, and inspection of documents under this Ordinance, and generally for carrying this Ordinance into effect. The registrar shall give his certificates in the forms contained in the schedule to this Ordinance respectively.

SCHEDULE.

Form of Bond.

Know all men by these presents that we, *A. B.*, of ———, one of the officers of the ——— Building Society established at ———, in the ——— Province, and *C. D.*, of ———, as surety on behalf of the said *A. B.*, are jointly and severally held and firmly bound to the said Society in the sum of ———, to be paid to the said Society, for which payment well and truly to be made we jointly and severally bind ourselves, and each of us bind himself, our and each of our heirs, executors, and administrators, firmly by these presents.

Signed and dated the ——— day of ———, in the year of our Lord ———.

Whereas the above-bounden *A. B.* hath been duly appointed to the office of ———, of the ——— Building Society, established as aforesaid, and he, together with the above-bounden *C. D.*, as his surety, have entered into the above-written bond, subject to the condition hereinafter contained :

Now therefore the condition of the above-written bond is such, that if the said *A. B.* shall do and render a just and true account of all moneys received and paid by him, and shall and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all securities and effects, books, papers, and property of, or belonging to, the said Society, in his hands or custody, to such person or persons as the said Society shall appoint, according to the rules of the said Society, together with the proper or legal receipts or vouchers for such payments, then the above-written bond shall be void and of no effect ; otherwise shall be and remain in full force and virtue.

Form of Receipt to be endorsed on Mortgage or Further Charge.

The ——— Building Society hereby acknowledge to have received all moneys intended to be secured by the within (*or* above) written deed.

In witness whereof the seal of the Society is hereto affixed this ——— day of ———, by order of the Board of Directors (*or* Committee of Management), in presence of ———.

———

Secretary (*or* Manager).

(*Other Witnesses, if any, required by the Rules of the Society.*)

Forms of Certificate to be given under this Ordinance.

Certificate of Incorporation.

I, ———, Registrar of Building Societies in Ceylon, hereby certify that the ——— Building Society, established at ———, in the ——— of ———, is incorporated under "The Building Societies' Ordinance, 1891."

Given under my hand this ——— day of ———, 18 —.

Registrar of Building Societies.

Certificate of Registration of Alteration of Rules.

I, ———, Registrar of Building Societies in Ceylon, hereby certify that the foregoing alterations of (*or* addition to) the rules of the ——— Building Society, established at ———, in the ——— of ———, are registered under "The Building Societies' Ordinance, 1891."

Given under my hand this ——— day of ———, 18 —.

Registrar of Building Societies.

Certificate of Registration of Change of Name.

I, ———, Registrar of Building Societies in Ceylon, hereby certify that the registered name of the ——— Building Society, established at ———, in the ——— of ———, is changed from the date hereof to the name following: ———, pursuant to "The Building Societies' Ordinance, 1891."

Given under my hand this ——— day of ———, 18 —.

Registrar of Building Societies.

13th December, 1891.

No. 16 of 1891.

An Ordinance to make provision for the registration of Mutual Provident and other Societies.

Preamble.

WHEREAS it is expedient to make provision for the registration of mutual provident and other societies: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance may be cited as "The Societies' Ordinance, 1891."

Definition clause.

2 In this Ordinance, if not inconsistent with the context, the following terms shall have the meanings hereinafter respectively assigned to them:

"Property" shall mean all movable and immovable property (including books and papers).

"Registrar" shall mean the registrar for the time being of joint stock companies, or until such registrar has been appointed under "The Joint Stock Companies' Ordinance, 1861," the Registrar of the Supreme Court.

"Registered society" shall mean a society registered or deemed to be registered under this Ordinance.

"Amendment of rule" shall include a new rule and a resolution rescinding a rule.

"Rules" shall mean rules for the time being.

"The committee" shall mean the committee of management or other directing body of a society.

"Persons claiming through a member" shall include the heirs, executors, administrators, and assigns of a member, and his nominees, where nomination is allowed.

"Officer" shall extend to any trustee, treasurer, secretary, member of the committee, manager, or servant other than a servant appointed by the committee of a society.

"Meeting" shall include (where the rules of a society so allow) a meeting of delegates appointed by members.

Societies which may be registered.

3 The following societies may be registered under this Ordinance:

(1) Societies (herein called mutual provident societies) established for the object of promoting thrift, of giving relief to members in times of sickness or distress, of aiding them when in pecuniary difficulties, and for making provision for their widows and orphans.

(2) Societies for any purpose which the Governor, with the advice of the Executive Council, may, by notification in the *Government Gazette*, authorize as a purpose to which the powers and facilities of this Ordinance ought to be extended (herein called "specially authorized societies").

Limited application of the Ordinance.

4 The Governor may limit the application of this Ordinance as respects specially authorized societies to such of the provisions herein contained as may be specified in the notification authorizing the registration of any such society.

Registry of societies

5 With respect to the registry of societies the following provisions shall have effect:

(1) No society can be registered under this Ordinance which does not consist of seven persons at least, and has not a subscribed capital of at least ten thousand rupees.

(2) For the purpose of registry an application to register the society, signed by seven members and the secretary, and two written or printed copies of the rules, shall be sent to the registrar.

(3) No society shall be registered under a name identical with that under which any other existing society is registered, or so nearly resembling such name as to be likely, in the opinion of the registrar, to deceive the members of the public as to its identity; and no society shall change its name without sanction of the registrar, or otherwise than as hereinafter provided.

(4) The words "society, limited" shall be the last words in the name of every society registered under this Ordinance.

(5) The registrar, on being satisfied that a society has complied with the provisions as to registry in force under this Ordinance, shall issue to such society an acknowledgment of registry.

(6) If the registrar refuses to register any society or any rules, the society may appeal from such refusal to the judges of the Supreme Court, who may make rules and orders as to the form of appeals and the hearing thereof and otherwise relating thereto.

(7) If the refusal of registry be overruled on appeal, an acknowledgment of registry shall thereupon be given to the society by the registrar.

(8) The acknowledgment of registry shall be conclusive evidence that the society therein mentioned is duly registered, unless it be proved that the registry of the society has been suspended or cancelled.

Cancelling and suspension of registry.

6 With respect to the cancelling or suspension of registry the following provisions shall have effect:

Cancelling.

(1) The registrar may cancel the registry of a society, by writing under his hand—

(*a*) If he thinks fit, at the request of a society, to be evidenced in such manner as he shall from time to time direct;

(*b*) With the approval of the Governor, on proof to his satisfaction that an acknowledgment of registry has been obtained by fraud or mistake, or that a society exists for an illegal purpose, or has wilfully, and after notice from the registrar, violated any of the provisions of this Ordinance, or has ceased to exist.

Suspension.

(2) The registrar in any case in which he might, with the approval of the Governor, cancel the registry of a society, may suspend the same, by writing under his hand, for any term not exceeding three months, and may, with the approval of the Governor, renew such suspension from time to time for the like period.

Notice of cancelling and suspension.

(3) Not less than two months' previous notice in writing, specifying briefly the ground of any proposed cancelling or suspension of registry, shall be given by the registrar to a society before the registry of the same can be cancelled (except at its request) or suspended; and notice of every cancelling or suspension shall be published in the *Government Gazette* as soon as practicable after the same takes place.

Appeal from cancelling or suspension.

(4) A society may appeal from the cancelling of its registry or from any suspension of the same which is renewed after six months, in manner herein provided for appeals from the registrar's refusal to register.

Effect of cancelling or suspension

(5) A society whose registry has been suspended or cancelled shall, from the time of such suspension or cancelling (but if suspended, only whilst such suspension lasts, and subject also to the right of appeal hereby given) absolutely cease to enjoy as such the privileges of a registered society, but without prejudice to any liability actually incurred by such society, which may be enforced against the same as if such suspension or cancelling had not taken place.

Rules and amendments.

7 With respect to the rules of societies the following provisions shall have effect:

Provisions to be contained in rules.

(1) The rules of every society sent for registry shall contain provisions in respect of the several matters mentioned in the schedule to this Ordinance.

Amendments to be registered.

(2) No amendment of a rule made by a registered society shall be valid until the same has been registered under this Ordinance, for which purpose copies of the same, signed by three members and the secretary, shall be sent to the registrar.

Provision applicable to amendments.

(3) The provision herein contained as to appeals from a refusal of registry shall apply to amendments of rules.

Acknowledgment of registry of amendments.

(4) The registrar shall, on being satisfied that any amendment of a rule is not contrary to the provisions of this Ordinance. issue to the society an acknowledgment of registry of the same, which shall be conclusive evidence that the same is duly registered.

Copies of rules to be delivered on demand.

(4) A copy of the rules of a registered society shall be delivered by the society to every person on demand, on payment of a sum not exceeding twenty-five cents.

Duties and obligations of societies

8 With respect to the duties and obligations of registered societies the following provisions shall have effect:

(1) Every society shall—

Registered office.

(*a*) Have a registered office, to which all communications and notices may be addressed, and send to the registrar notice of the situation of such office and of every change therein.

(*b*) Paint or affix and keep painted or affixed its name on the outside of every office or place in which the business of the society is carried on, in a conspicuous position, in letters easily legible, and have its name engraven in legible characters on its seal, and have its name mentioned in legible characters in all notices, advertisements, and other official publications of the society, and in all bills of exchange, promissory notes, endorsements, cheques, and orders for money or goods purporting to be signed by or on behalf of such society, and in all bills of parcels, invoices, receipts, and letters of credit of the society. **Publication of name.**

(*c*) Once at least in every year submit its accounts for audit to a public auditor appointed as herein mentioned, who shall have access to all the books and accounts of the society, and shall examine the general statement of the receipts and expenditure, funds and effects of the society, and verify the same with the accounts and vouchers relating thereto, and shall either sign the same as found by him to be correct, duly vouched, and in accordance with law, or specially report to the society in what respects he finds it incorrect, unvouched, or not in accordance with law. **Audit.**

(*d*) Once in every year before the first day of June send to the registrar a general statement (to be called the return) of the receipts and expenditure, funds and effects of the society as audited, which shall show separately the expenditure in respect of the several objects of the society, and shall be made out to the thirty-first December then last inclusively, and shall state that the audit has been conducted by a public auditor appointed as by this Ordinance is provided, and by whom, and together therewith shall send a copy of the auditor's report. **Annual returns.**

(*e*) Allow any member or person having an interest in the funds of the society to inspect the books and the names of the members at all reasonable hours at the registered office of the society, or at any place where the same are kept, subject to such regulations as to the time and manner of such inspection as may be made from time to time by the general meetings of the society, except that no such member or person, unless he be an officer of the society, or be specially authorized by a **Inspection of books.**

resolution thereof, shall have the right to inspect a loan or deposit account of any other member without the written consent of such member.

Supplying copies of annual returns.

(*f*) Supply gratuitously to every member or person interested in the funds of the society, on his application, a copy of the last annual return of the society for the time being.

Balance sheet, &c., to be hung up at office.

(*g*) Publish a copy of the last balance sheet for the time being, together with the report of the auditor, in the *Government Gazette*, and keep always hung up a copy of the balance sheet and report in a conspicuous place at the registered office of the society.

Return to be in prescribed form.

(2) Every return and other document required for the purposes of this Ordinance shall be made in such form, and shall contain such particulars, as the registrar prescribes.

Recording of documents.

(3) All documents required by this section to be sent to the registrar shall be deposited with the rules of the societies to which the same respectively relate, and shall be registered or recorded by the registrar with such observations thereon, if any, as the registrar shall direct.

Privileges of societies.

9 Registered societies shall be entitled to the following privileges :

Incorporation.

(1) The registration of a society shall render it a body corporate by the name described in the acknowledgment of registry, by which it may sue and be sued, with perpetual succession and a common seal, and with limited liability, and shall vest in the society all property for the time being vested in any person in trust for the society.

Rules to bind the members.

(2) The rules of the society shall bind the society and all members thereof, and all persons claiming through them respectively, to the same extent as if each member had subscribed his name thereto, and there were contained in such rules a covenant on the part of himself, his heirs, executors, and administrators to conform thereto, subject to the provisions of this Ordinance.

Money payable by member to be a debt to the society.

(3) All moneys payable by a member to the society shall be a debt due from such member to the society, and whatever may be the amount claimed shall be recoverable as such either in the Court of Requests, Colombo, or in the court of requests of the division in which such member resides, at the option of the society.

Power of nomination for sums not exceeding

(4) A member of the society not being under the age of sixteen years may, by writing under his hand delivered at or sent to the registered office of the society, nominate any person, not being an officer

or servant of the society, unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew, or niece of the nominator, to whom his interest in the society shall be payable at his decease, provided that the amount credited to him in the books of the society does not exceed one thousand rupees, and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent, but not otherwise; and every such society shall keep a book wherein the names of all persons so nominated shall be regularly entered, and the interest comprised in any such nomination shall be payable to the nominee, and on receiving satisfactory proof of the death of a nominator the committee of the society shall pay to every person entitled thereunder the full value of his interest.

one thousand rupees.

(5) If any member of a society entitled to any interest in the society not exceeding one thousand rupees dies intestate, and without having made any nomination under this Ordinance which remains unrevoked at his death, such interest shall be transferable or payable, without letters of administration, to or among the persons who appear to a majority of the committee, upon such evidence as they may deem satisfactory, to be entitled by law to receive the same.

Distribution of sums not exceeding one thousand rupees.

(6) Whenever the committee, after the decease of any member, makes any payment to any person who at the time appears to them to be entitled under this section, the payment or transfer shall be valid and effectual against any demand made upon the committee or the society by any other person.

Payment to persons apparently entitled valid.

(7) When any person in whose name any property belonging to any such society is standing, either jointly with another or others, or solely, as a trustee therefor, is absent from the island, or becomes bankrupt, or files any petition, or executes any deed for liquidation of his affairs by assignment or arrangement, or for composition with his creditors, or becomes a lunatic, or is dead, or has been removed from his office of trustee, or if it be unknown whether such person is living or dead, the registrar, on application in writing from the secretary and three members of the society, and on proof satisfactory to him, may direct the transfer of the property into the names of any other persons as trustees for the society; and such transfer shall be made by the surviving or continuing trustees, and if there be no such trustees, or if such trustees refuse or be unable to make such transfer, then by the registrar, who is hereby indemnified for anything done by him in pursuance of this provision against any claim or demand of any person injuriously affected thereby.

When trustees are absent registrar may order property to be transferred.

Membership of minors.

(8) A person under the age of twenty-one, but above the age of sixteen, may be a member of a society, unless provision is made in the rules thereof to the contrary, and may, subject to the rules of the society, enjoy all the rights of a member (except as herein provided), and execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee, trustee, manager, or treasurer of the society.

Promissory notes and bills of exchange.

(9) A promissory note or bill of exchange shall be deemed to have been made, accepted, or endorsed on behalf of any society if made, accepted, or endorsed in the name of the society, or by or on behalf or on account of the society, by any person acting under the authority of the society.

Register of members.

(10) Any register or list of members kept by any society shall be *primâ facie* evidence of any of the following particulars entered therein :

(*a*) The names, addresses, and occupations of the members.

(*b*) The date at which the name of any person, company, or society was entered in such register or list as a member.

(*c*) The date at which any such person, company, or society ceased to be a member.

Contracts how made.

(11) Contracts on behalf of the society may be made, varied, or discharged as follows :

(*a*) Any contract requiring notarial execution, and every power of attorney, shall be made on behalf of the society, in writing, under the common seal of the society, and may in the same manner be varied or discharged :

(*b*) Any contract required to be in writing, and to be signed by the person to be charged therewith, may be made on behalf of the society in writing by any person acting under the express or implied authority of the society, and may in the same manner be varied or discharged :

(*c*) Any contract ordinarily binding private persons when made by parol may be made by parol on behalf of the society by any person acting under the express or implied authority of the society, and may in the same manner be varied or discharged :

(*d*) A signature purporting to be made by a person holding any office in the society attached to a writing whereby any contract purports to be made, varied, or discharged by or on behalf of the society, shall *primâ facie* be taken to be the signature of a person holding at the time when the signature was made the office so stated :

and all contracts which may be or have been made, varied, or discharged, according to the provisions herein contained, shall, so far as concerns the form thereof, be effectual in law, and binding on the society and all other parties thereto, their heirs, executors, or administrators, as the case may be.

Property and funds of societies

10 With respect to the property and funds of registered societies the following provisions shall have effect :

Holding of land.

(1) A society may (if its rules do not direct otherwise) hold, purchase, or take on lease in its own name any land, and may sell, exchange, mortgage, lease, or build upon the same (with power to alter and pull down buildings and again rebuild), and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire as to the authority of any such sale, exchange, mortgage, or lease by the society, and the receipt of the society shall be a discharge for all moneys arising from or in connection with such sale, exchange, mortgage, or lease.

Advances to members.

(2) The rules may provide for the advancing of money by the society to members on the security of movable or immovable property.

Forms.

(3) In the rules or any schedule thereto may be set forth the forms of conveyance, surrender, admittance, mortgage, transfer, agreement, bond, or other instrument necessary for carrying the purposes of the society into effect.

Application of profits.

(4) The profits of the society may be applied to any lawful purpose.

Discharge of mortgages by receipt endorsed.

(5) A receipt under the hands of two members of the committee of the society, countersigned by the secretary, in the form contained in the schedule to this Ordinance, or in any form specified by the rules of the society or any schedule thereto, for all moneys secured to the society by any mortgage or other assurance endorsed upon such mortgage or other assurance, shall vacate the same.

Investments.

(6) A society may, if its rules so allow, invest any portion of the funds of the society, not immediately required for its purposes, upon real or leasehold securities, or in the shares, or on the security of any other society registered under this Ordinance, or of any company registered under "The Joint Stock Companies' Ordinance, 1861," with limited liability, or in the public funds, Government stock, or securities of Great Britain, India, or Ceylon ; and a society so investing may make such investment in its registered name, and shall be deemed to be a person within the meaning of "The Joint Stock Companies' Ordinance, 1861."

Officers in receipt or charge of money.

11 With respect to officers of registered societies having receipt or charge of money the following provisions shall have effect:

Security to be given.

(1) Every officer, if the rules of the society require, shall, before taking upon himself the execution of his office, become bound, either with or without a surety as the committee require, in a bond according to the form set forth in the schedule to this Ordinance, or such other form as the committee of the society approve, or give the security of a guarantee society in such sum as the committee directs, conditioned for his rendering a just and true account of all moneys received and paid by him on account of the society at such times as its rules appoint, or as the society or the committee thereof require him to do, and for the payment by him of all sums due from him to the society.

Accounts of officers.

(2) Every officer, his executors, or administrators shall at such times, as by the rules of the society he should render account, or upon demand made, or notice in writing given or left at his last or usual place of residence, give in his account as may be required by the society or by the committee thereof, to be examined and allowed or disallowed by them, and shall, on the like demand or notice, pay over all moneys and deliver all property for the time being in his hands or custody to such person as the society or the committee appoint, and in case of any neglect or refusal to deliver such account, or to pay over such moneys, or to deliver such property in manner aforesaid, the society may sue upon the bond or security before mentioned.

Legal proceedings.

12 With respect to legal proceedings against registered societies the following provisions shall have effect:

The summons, writ, process, or other proceeding to be issued to or against a society shall be sufficiently served by leaving a true copy thereof at the registered office of the society, or at any place of business of the society, within the jurisdiction of the court in which the proceeding is brought, or if such office or place of business be closed, by posting such copy on the outer door of the same; but in all cases where the said summons, writ, process, or other proceeding shall not be served by leaving a true copy thereof at the registered office of the society, a copy thereof shall be transmitted addressed to the committee of management at the registered office of the society, and the same shall be enclosed in a registered letter posted at least six days before any further steps shall be taken on such summons, writ, process, or other proceeding.

13 With respect to disputes concerning registered societies the following provisions shall have effect : Disputes.

(1) Every dispute between a member, or person claiming through a member or under the rules of a registered society, and the society or an officer thereof, shall be decided in manner directed by the rules of the society if they contain any such direction, and the decision so made shall be binding and conclusive on all parties without appeal, and shall not be removable into any court or restrainable by injunction; and application for the enforcement thereof may be made to the district court. To be decided by rules of the society.

(2) The parties to a dispute in a society may, by consent (unless the rules of such society expressly forbid it), refer such dispute to the registrar, who shall hear and determine such dispute, and shall have power to order the expenses of determining the same to be paid, either out of the funds of the society or by such parties to the dispute as he shall think fit; and such determination and order shall have the same effect, and be enforceable in like manner as a decision in the manner directed by the rules of the society. May be referred to registrar.

(3) The registrar may administer oaths, and may require the attendance of all parties concerned and of witnesses, and the production of all books and documents relating to the matter in question ; and any person refusing to attend, or to produce any documents, or to give evidence before such registrar, shall be guilty of an offence under this Ordinance. Registrar may administer oaths, &c.

(4) Where the rules of a society contain no direction as to disputes, or where no decision is made on a dispute within forty days after application to the society for a reference under its rules, the member or person aggrieved may apply to the district court, which may hear and determine the matter in dispute. Application to district courts, &c.

(5) The court or registrar may, at the request of either party, state a case for the opinion of the Supreme Court on any question of law, and may also grant to either party such discovery as to documents and otherwise, or such inspection of documents as might be granted by a district court, such discovery to be made on behalf of the society by such officer of the same as such court or registrar may determine. Case for opinion of Supreme Court.

14 With respect to the inspection of the affairs of registered societies the following provisions shall have effect : Special powers of registrars.

(1) Upon the application of one-fifth of the number of members of a registered society, or of one hundred Application from members.

members in the case of a society of more than five hundred members, the registrar, with the consent of the Governor, in every case may—

Inspectors.

(*a*) Appoint one or more inspectors to examine into the affairs of such society and to report thereon, who may require the production of all or any of the books and documents of the society, and may examine, on oath or affirmation, its officers, members, agents, and servants, in relation to its business, and may administer such oath or affirmation accordingly.

Special meetings.

(*b*) Call a special meeting of the society in such manner and in such time and place as the registrar may direct, and may direct what matters shall be discussed and determined on at such meeting, which shall have all the powers of a meeting called according to the rules of the society, and shall in all cases have power to appoint its own chairman, any rule in the society to the contrary notwithstanding.

Applications to be supported by evidence.

(2) The application herein mentioned shall be supported by evidence, for the purpose of showing that the applicants have good reason for requiring such inspection to be made or meeting to be called, and that they are not actuated by malicious motives in their application, and such notice thereof shall be given to the society as the registrar shall direct.

Security for costs.

(3) The registrar may, if he thinks fit, require the applicants to give security for the costs of the proposed inspection or meeting before appointing any inspector or calling such meeting.

Expenses.

(4) All expenses of and incidental to any such inspection or meeting shall be defrayed, either by the members applying for the same, or out of the funds of the society, as the registrar shall direct.

Special resolutions and proceedings.

15 With respect to special resolutions by registered societies, and to the proceedings which may be taken by virtue thereof, the following provisions shall have effect:

Special resolutions.

(1) A special resolution is one which is passed by a majority of not less than three-fourths of such members of a society for the time being entitled under the rules to vote as may be present in person or by proxy (where the rules allow proxies) at any general meeting, of which notice specifying the intention to propose such resolutions has been duly given according to the rules, and which resolution is confirmed by a majority of such members for the time being entitled under the rules to vote as may be present, in person or by proxy, at a subsequent general meeting of which notice has been duly

given, held not less than fourteen days nor more than one month from the day of the meeting at which such resolution was first passed. At any meeting mentioned in this section a declaration by the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact.

Change of name.

(2) A society may, by special resolution, with the approval in writing of the registrar, change its name, but no such change shall affect any right or obligation of the society, or of any member thereof; and any pending legal proceedings may be continued by or against the society notwithstanding its new name.

Amalgamation of societies.

(3) Any two or more societies may, by special resolution of both or all such societies, become amalgamated together as one society, with or without any dissolution or division of the funds of such societies or either of them; and any society may by special resolution transfer its engagements to any other registered society which may undertake to fulfil the engagements of such society.

Conversion of societies into companies.

(4) A society may, by special resolution, determine to convert itself into a company under "The Joint Stock Companies' Ordinance, 1861," or to amalgamate with or transfer its engagements to any such company.

Right of creditor.

(5) No amalgamation or transfer of engagements shall prejudice any right of a creditor of either or any society party thereto.

Registration of a special resolution.

(6) A copy of every special resolution for any of the purposes mentioned in this section, signed by the chairman of the meeting and countersigned by the secretary, shall be sent to the registrar for registration, and until such copy has been registered such special resolution shall not take effect.

Registry of society under Ordinance to be void on registration as a company.

(7) If a society be registered as, or amalgamates with, or transfers all its engagements to, a company, the registry of such society under this Ordinance shall thereupon become void, and the same shall be cancelled by the registrar; but the registration of a society as a company shall not affect any right or claim for the time being subsisting against such society, or any penalty for the time being incurred by such society; and for the purpose of enforcing any such right, claim, or penalty, the society may be sued and proceeded against in the same manner as if it had not become registered as a company; and every such right or claim, or the liability to such penalty, shall have priority as against the property of such company over all other rights or claims against or liabilities of such company.

Dissolution of societies.

16 With respect to the dissolution of registered societies the following provisions shall have effect :

(1) A society may terminate or be dissolved—

(*a*) Upon the happening of any event declared by the rules to be the termination of the society ; or

(*b*) By an order to wind up the society or a resolution for the winding up thereof made as is directed in regard to companies by "The Joint Stock Companies' Ordinance, 1861," the provisions of which shall apply to any such order or resolution ; or

(*c*) By the consent of three-fourths of the members, testified by their signatures to an instrument of dissolution.

Liability of members.

(2) Where a society is wound up the liability of a present or past member of the society to contribute for payment of the debts and liabilities of the society, the expenses of winding up, and the adjustment of the rights of contributories amongst themselves, shall be qualified as follows :

(*a*) No individual who has ceased to be a member for one year or upwards prior to the commencement of the winding up shall be liable to contribute.

(*b*) No individual shall be liable to contribute in respect of any debt or liability contracted after he ceased to be a member.

(*c*) No individual not a member shall be liable to contribute unless it appears to the court that the contributions of the existing members are insufficient to satisfy the just demands on the society.

(*d*) No contribution shall be required from any individual exceeding the amount in respect of which he is liable as a past or present member.

(*e*) An individual shall be taken to have ceased to be a member from the date of the notice or application for withdrawal.

Instrument of dissolution.

(3) Where a society is terminated by an instrument of dissolution the following provisions shall apply :

(*a*) The instrument of dissolution shall set forth the liabilities and assets of the society in detail, the number of members, and the nature of their interests in the society respectively, the claims of creditors (if any) and the provision to be made for their payment, and the intended appropriation or division of the funds and property of the society, unless the same be stated in the instrument of dissolution, to be left to the award of the registrar.

(*b*) Alterations in the instrument of dissolution may be made with the like consents as hereinbefore provided, and testified in the same manner.

(*c*) A declaration shall be made by three members and the secretary of the society that the provisions of this Ordinance have been complied with, and shall be sent to the registrar with the instrument of dissolution; and any person knowingly making a false or fraudulent declaration in the matter shall be guilty of an offence, and be punishable on conviction with imprisonment, rigorous or simple, which may extend to two years, or with fine, or with both.

(*d*) The instrument of dissolution and all alterations therein shall be registered in manner herein provided for the registry of rules, and shall be binding upon all the members of the society.

(*e*) The registrar shall cause a notice of the dissolution to be advertised at the expense of the society in the *Government Gazette* and in one of the Colombo daily newspapers, and unless within three months from the date of the *Gazette* in which such advertisement appears a member or other person interested in or having any claim on the funds of the society commences proceedings to set aside the dissolution of the society in the district court of the district where the registered office of the society is situate, and such dissolution is set aside accordingly, the society shall be legally dissolved from the date of such advertisement, and the requisite consents to the instrument of dissolution shall be considered to have been duly obtained without proof of the signatures thereto.

(*f*) Notice shall be sent to the registrar of any proceeding to set aside the dissolution of a society, not less than seven days before it is commenced, by the person by whom it is taken, or of any order setting it aside within seven days after it is made by the society.

Limits of benefit.

17 No member of a registered society, nor any person claiming through a member, shall be entitled to receive more than two thousand rupees by way of gross sum, together with any bonuses or additions declared upon assurances not exceeding that amount, or fifty pounds a year by way of annuity from any one or more such societies, and any such society may require a member or person claiming through a member to make and sign a declaration that the total amount to which such member or person is entitled from one or more such societies does not exceed the sums aforesaid; and

any person knowingly making a false or fraudulent declaration that the total amount to which such member or person is entitled from one or more such societies does not exceed the sums aforesaid, and any person knowingly making a false or fraudulent declaration shall be guilty of an offence, and be punishable on conviction with imprisonment, rigorous or simple, which may extend to two years, or with fine, or with both.

Public auditors.

18 The Governor may from time to time appoint public auditors and valuers for the purposes of this Ordinance, and may determine from time to time the rates of remuneration to be paid by societies for the services of such auditors.

Fees.

19 The Governor may determine a scale of fees to be paid for matters to be transacted or for the inspection of documents under this Ordinance. All fees which may be received by the registrar under this Ordinance shall be paid into the Treasury.

Regulations to be made for carrying out Ordinance.

20 (1) The Governor may, with the advice of the Executive Council, from time to time make regulations respecting registry and procedure under this Ordinance, and the forms to be used for such registry, and the duties and functions of the registrar, and the inspection of documents kept by the registrar under this Ordinance, and generally for carrying this Ordinance into effect.

(2) All such regulations shall be published in the *Government Gazette.*

(3) Until otherwise provided, the forms contained in the schedule to this Ordinance shall be used.

Evidence of document.

21 Every instrument or document, copy or extract of an instrument or document, bearing the signature of the registrar, shall be received in evidence without further proof; and every document purporting to be signed by the registrar, or any inspector, or public auditor, or valuer under this Ordinance shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature.

Offences.

22 The following acts are declared to be offences under this Ordinance:

(*a*) If any person with intent to mislead or defraud gives to any other person a copy of any rules, laws, regulations, or other documents other than the rules for the time being registered under this Ordinance, on the pretence that the same are existing rules of a registered society, or that there are no other rules of such society, or gives to any person a copy of any rules on the pretence that such rules are the rules of a registered society when the society is not registered;

(*b*) If any person obtains possession by false representation or imposition of any property of a society, or, having the same in his possession, withholds or

misapplies the same, or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society and authorized by this Ordinance ;

(*c*) If any person wilfully makes, orders, or allows to be made any entry or erasure in or omission from any balance sheet of a registered society, or any contribution or collecting book, or any return or document required to be sent, produced, or delivered for the purposes of this Ordinance, with intent to falsify the same, or to evade any of the provisions of this Ordinance ;

(*d*) If any officer of the society or any person on its behalf uses any seal purporting to be a seal of the society wherèon its name is not so engraved as aforesaid, or issues or authorizes the issue of any notice, advertisement, or other official publication of the society, or signs or authorizes to be signed on behalf of the society any bill of exchange, promissory note, endorsement, cheque, order for money or goods, or issues or authorizes to be issued any bills of parcels, invoice, receipt, or letters of credit of the society wherein its name is not mentioned in manner aforesaid ;

and every such offence shall be punished by a fine not exceeding one hundred rupees, or imprisonment, rigorous or simple, which may extend to three months, or by both.

Provided that nothing herein contained shall prevent any person guilty of an offence under this Ordinance from being criminally prosecuted under "The Ceylon Penal Code," if not previously convicted of the same offence under the provisions of this Ordinance.

SCHEDULE.

Matters to be provided for by the Rules of Societies registered under this Ordinance.

1. The name and place of office of the society.

2. The whole of the objects for which the society is to be established, the purposes for which the funds thereof shall be applicable, the terms of admission of members, the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member.

3. The mode of holding meetings and right of voting, and the manner of making, altering, or rescinding rules.

4. The appointment and removal of a committee of management (by whatever name), of a treasurer and other officers, and of trustees, and in the case of a society with branches, the composition of a central body, and the conditions under which a branch may secede from the society.

5. The investment of the funds, the keeping of the accounts, and the audit of the same once a year at least.

6. Annual returns to the registrar of the receipts, funds, effects, and expenditure, and number of members of the society.

7. The inspection of books of the society by every person having an interest in the funds of the society.

8 The manner in which disputes between the society and any of its members, or any person claiming through a member or under the rules, shall be settled.

Form of Bond.

Know all Men by these presents that we, *A. B.*, of ———, one of the officers of the ——— Society established at ———, and *C. D.*, of ——— (as surety on behalf of the said *A. B.*), are jointly and severally held and firmly bound to the said Society in the sum of ——— to be paid to the said Society, for which payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and each of our heirs, executors, and administrators, firmly by these presents.

Signed and dated the ——— day of ———, in the year of our Lord ———.

Whereas the above-bounden *A. B.* has been duly appointed to the office of ——— of the ——— Society established as aforesaid, and he, together with the above-bounden *C. D.*, as his surety, have entered into the above-written bond, subject to the condition hereinafter contained : Now therefore the condition of the above-written bond is such, that if the said *A. B.* do render a just and true account of all moneys received and paid by him on account of the said Society, at such times as the rules thereof appoint, and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all property (including books and papers) belonging to the said Society in his hands or custody to such person or persons as the said Society shall appoint, according to the rules of the said Society, together with the proper and legal receipts or vouchers for such payments, then the above-written bond shall be void, otherwise shall remain in full force.

Signed and delivered in the presence of (*two witnesses*).

Form of Receipt to be endorsed on Mortgage or other Assurance.

The ——— Society hereby acknowledges to have received all moneys intended to be received by the within (*or* above) written deed.

Signed (*signatures of two members of the committee*).
Countersigned (*signature of secretary*).

———
Secretary.

Acknowledgment of Registry of Society.

The ——— Society is registered as a Society under "The Societies Ordinance, 1891,' this ——— day of ———, 18 —.

———
Registrar of Societies.

Acknowledgment of Registry of Amendment of Rules.

The following amendment of the Rules of the ——— Society is registered under "The Societies Ordinance, 1891," this ——— day of ———, 18 —.

———
Registrar of Societies.

13th December, 1891.

No. 18 of 1891.

An Ordinance relating to the Galle Waterworks Loan.

WHEREAS by "The Galle Waterworks Ordinance, 1890," provision was made for the advance by the Governor in Executive Council to the municipal council of Galle, by way of loan, of a sum not exceeding sixty thousand rupees, to be applied exclusively in the construction of waterworks for supplying water to the Fort division of the Galle Municipality : **Preamble.**

And whereas the said sum has proved insufficient for the purpose, and it is expedient that the Governor, in Executive Council, should be empowered to advance by way of loan a further sum not exceeding ten thousand rupees for the said purpose :

Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council, as follows:

1 This Ordinance may be cited as "The Galle Waterworks Ordinance, 1891." **Short title.**

2 "The Galle Waterworks Ordinance, 1890," is hereby repealed : Provided that this repeal shall not affect— **Repeal of Ordinance No. 2 of 1890.**

(1) The past operation of the said Ordinance, nor anything duly done or effected under it ;

(2) Nor any right, privilege, obligation, or liability acquired, accrued, or incurred under the said Ordinance ;

(3) Nor any legal proceeding or remedy in respect of such right, privilege, obligation, or liability as aforesaid.

3 The Governor, in Executive Council, is hereby empowered to advance to the municipal council of Galle, by way of loan, in addition to the sum of sixty thousand rupees lent and advanced under "The Galle Waterworks Ordinance, 1890," a further sum not exceeding ten thousand rupees, to be applied exclusively in the construction of waterworks for supplying water to the Fort division of the Galle Municipality. **Governor in Executive Council may lend an additional sum of ten thousand rupees to Galle Municipality.**

4 (1) To enable the said municipal council to liquidate the principal of, and interest on, the loan of sixty thousand rupees advanced to them under "The Galle Waterworks Ordinance, 1890," and the additional loan of ten thousand rupees advanced to them under this Ordinance, it shall be lawful for the said Council, and they are hereby authorized and empowered, to impose and levy a water-rate on the annual value of all houses, buildings, lands, and tenements, other than the property of the Crown, within the limits of the Fort division of the Galle Municipality. **To repay the loans a water-rate may be levied.**

(2) Such water-rate shall be determined from time to time by the Governor, in Executive Council, but shall not exceed seven per cent. on such annual value as aforesaid. **Rate not to exceed seven per cent.**

Rate how recovered.

(3) The provisions of any existing or future Ordinance or Ordinances, or of any by-laws lawfully enacted thereunder by the said municipal council, relating to the assessment, recovery of, and exemptions from the police rate within the limits of the Galle Municipality, shall apply to the assessment, recovery of, and exemptions from such water-rate.

Rate to be a first charge on house property, and to be paid quarterly in advance.

5 Such water-rate shall be payable on the first day of each quarter in respect of the water to be supplied during the three months next ensuing, and shall be a first charge upon every house, building, land, and tenement within the limits of the said Fort division, and shall take precedence over every mortgage, hypothecation, or encumbrance thereon whatsoever. Provided always that on each occasion that a claim for arrears is made in respect of any one house, building, land, or tenement, such first charge and hypothecation shall be, and it is hereby limited to, not more than twelve months' arrears of water-rate.

Proceeds of rate to be applied in repayment of loan.

6 The proceeds of the rate so levied (after payment of the expenses annually incurred in the supply of water and in the collection of the rate) shall be applied to the liquidation of the principal and interest of the said loans, and to no other purpose whatsoever; and in the event of there being in any one year any surplus after due payment of the interest and sinking fund of the said loans in the manner hereinafter mentioned, such surplus shall be carried by the municipal council to the credit of the water-rate account, and shall not form part of the municipal fund, anything in the Ordinance No. 7 of 1887 to the contrary notwithstanding.

Loans to bear interest at five per cent. per annum.

7 The said loans shall bear interest (including the amount required for a sinking fund as hereinafter provided) at the rate of five per cent., amounting to three thousand five hundred rupees per annum, which sum shall be paid in equal half-yearly instalments to the Treasurer of this colony by the municipal council of Galle on the thirtieth day of June and the thirty-first day of December in each and every year until the principal and interest due on the said loans have been fully liquidated.

Government to retain as interest four per cent. per annum on amount due, and to apply balance towards liquidation of debt.

8 Out of this sum of three thousand five hundred rupees the Government of this colony shall be entitled to retain as interest four per cent. per annum upon the amount from time to time due to the Government in respect of the said loans, and the balance of the said sum of three thousand five hundred rupees shall be annually applied to the liquidation of the principal sum of seventy thousand rupees until the same be extinguished.

If municipality fail to pay instalments under section 7, Governor in Executive Council may authorize

9 In the event of the municipal council failing to collect and pay into the Colonial Treasury any of the instalments declared to be payable under section 7 within thirty days of the same becoming due, it shall be lawful for the Governor, in Executive Council, to empower the government agent of the Southern Province to collect the water-rate independently of the municipal council: Provided, however, that no

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person who shall have paid his water-rate in respect of any quarter to the municipal collector shall be required to pay such rate in respect of the same quarter to the government agent; nor shall any person who has paid his quarter's water-rate to the government agent be required to pay such rate in respect of the same quarter to the municipal council.

government agent to collect water-rate. Proviso.

10 The said loans shall be a first charge on the rates and taxes, rents, and all other income and property whatsoever of the Galle Municipality, and such charge and hypothecation shall take effect from the date at which this Ordinance shall come into operation.

Loans to be first charge on the rates, taxes, &c., of the municipality.

13th December, 1891.

No. 19 of 1891.

An Ordinance relating to Markets in the Northern Province.

WHEREAS it is expedient to provide for the regulation and control of all lands and buildings used or to be used as markets in the Northern Province: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 This Ordinance may be cited for all purposes as "The Jaffna Markets Ordinance, 1891," and shall come into operation at such date as the Governor shall, by Proclamation* to be published in the *Government Gazette*, appoint.

Short title. Commencement.

2 For the purposes of this Ordinance—

Definition clause.

A "market" means any place where people usually assemble for the purpose of selling provisions, wares, or cattle.

A "public market" means any market held in any public place.

A "private market" means any market held on private property.

3 All public markets in the Northern Province shall, from and after the coming into force of this Ordinance, be, and the same are hereby vested in the district committee formed and constituted under "The Road Ordinance, 1861," of the district in which such markets may be situated.

Public markets to be vested in the district committee.

4 (1) In every public market there shall be set apart from time to time so much uncovered space or spaces as shall be determined by the committee for the accommodation of the poorer classes of vendors of fish, fruit, vegetables, or other perishable articles of food for human consumption, and no rent, fee, or charge whatever, whether in kind or money, shall be levied for or in respect of the use of such space or spaces so set apart as aforesaid.

Spaces in public markets to be set apart for certain class of vendors free of rent, fee, or charge.

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* Proclaimed as coming into operation from and after July 1, 1892.

(2) In such space or spaces no vendor shall be allowed as of right to occupy the same place on two or more successive market days, nor shall he erect any building, hut, or shed of a greater value than one rupee. Every vendor erecting any such building, hut, or shed shall remove the same before the hour of nine in the evening of the day during which the same was erected ; and should default be made in the removal of such building, hut, or shed, the market-keeper or any person authorized in writing by the committee may cause such building, hut, or shed to be removed.

Private markets to be licensed.

5 (1) No private market shall, except with the license of the committee, be held in the Northern Province after the coming into operation of this Ordinance.

(2) It shall be in the discretion of the committee to grant under such conditions as it shall think fit, or to refuse, such license, and the committee shall refuse it if the market is by position, construction, or arrangement unfit in its opinion for the purposes of a market, and calculated to be a nuisance to the neighbourhood.

(3) Where the committee refuses such license, it shall forthwith furnish in writing the ground of such refusal to the person interested, and report such refusal, and the grounds thereof, to the Governor. It shall be open to the person to whom a license has been refused to appeal to the Governor in Executive Council against such refusal, within seven days from the date of the committee's order of refusal being communicated to him, and the decision of the Governor in Executive Council shall be final and conclusive.

Power to make by-laws.

6 The committee shall have power to make by-laws for the following purposes :

(1) For the proper maintenance and for the improvement of all public markets ;

(2) For the imposition and recovery of rents for the use of stalls or spaces in any building used as a public market, and for the issuing of permits with or without conditions to occupy the same ;

(3) For the imposition and recovery of fees for the use of spaces in any portion of land used as a public market which is outside any building, and not set apart in manner provided in section 4, and for the issuing of permits with or without conditions to occupy the same. Provided that such fees in the aggregate shall not exceed the sum required for keeping such portion of land in a cleanly and wholesome state ;

(4) For the imposition and recovery of an annual fee not exceeding one rupee for every license issued by the committee to hold a private market ;

(5) For the inspection of private markets ;

(6) For the proper regulation of the sale of fish and meat in all public markets, and for the due assigning of spaces therein within which fish, meat, vegetables, or other articles may be sold ;

(7) For the due prohibition of the sale of any fish, meat, vegetables, or other articles in any public or private market when in the opinion of the committee there exists sufficient reason for such prohibition ;

(8) For the temporary closing of any public or private market when the state of the public health renders the same in the opinion of the committee necessary ;

(9) For the due performance of their duties by market-keepers, watchers, and others employed in any public market ;

(10) And generally for the proper management, regulation, and control of all public and private markets, and for the maintenance of order, decency, and cleanliness within the limits thereof, and on the high roads bordering the same ;

and such by-laws at any time to repeal, alter, or amend. Provided that no such by-laws shall be repugnant to the provisions of this Ordinance, and the same shall not be of any force or effect unless and until they shall be submitted to, and confirmed by, the Governor in Executive Council, who is hereby empowered to allow, amend, or disallow the same, or any repeal, alteration, or amendment thereof as he may think proper ; and all such by-laws and any repeal, alteration, or amendment thereof shall be published in the *Government Gazette.*

Courts to take cognizance of by-laws.

7 All courts of justice shall take judicial cognizance of such by-laws and of any repeal, alteration, or amendment thereof when and so soon as the same shall have been so duly confirmed and published as aforesaid ; and all officers of police and headmen are hereby required to assist in carrying out the provisions thereof.

Breach of by-laws made an offence.

8 The breach of any by-law so made, confirmed, and published as aforesaid shall be an offence ; and any person convicted of any such breach shall be liable to a fine not exceeding ten rupees, and in the case of a continuing offence to a further fine not exceeding five rupees for each day on which the offence is continued. Every such offence shall be triable in the police court, and such police court shall have power to impose any fines to which an offender is by this section made liable, notwithstanding that the aggregate amount of such fines may exceed the amount which such court in its ordinary jurisdiction may impose.

Particulars of offences and by-laws to be posted up.

9 The committee shall cause short particulars of the several offences for which by this Ordinance any penalty is imposed, and of the amount of such penalty, together with its by-laws, to be printed in the English and Tamil languages, and copies thereof to be hung up in conspicuous places in every market to which the same shall apply.

Committee may close and open markets.

10 (1) The committee may, with the sanction of the Governor in Executive Council, close any public or private market, and re-open or allow to be re-opened the same, or establish a new public market on any land the property of the Crown on which the said committee shall consider such market necessary or desirable.

(2) The closing or re-opening of a public or private market under this section, or in pursuance of any by-law made under section 6, shall be published by a notice to that effect in the English and Tamil languages being posted in a conspicuous place in such market.

Penalty on using closed market.

11 Any person who, after the closing of any market shall have been published in manner aforesaid, knowingly sells or attempts to sell therein articles of any kind whatsoever, shall be guilty of an offence, and shall on conviction be liable to a fine not exceeding twenty rupees, or to imprisonment either simple or rigorous for any period not exceeding one month.

Licenses.

12 From and after the passing of this Ordinance no person shall occupy any stall or space in a public market, other than the space or spaces set apart under section 4 for the purpose of selling goods therein, without a permit issued under section 6, and no person shall establish or use any private market without a license therefor signed by the chairman of the committee. Any person acting contrary to the provisions of this section, or who contravenes any of the conditions in any permit or license contained, shall be guilty of an offence, and liable on conviction to any fine which a police court has power to award.

Sale of explosives. drugs, liquor, &c.. forbidden.

13 No dynamite, gunpowder, dangerous petroleum, or other explosive, and no opium, bhang, intoxicating liquor, arrack, rum, toddy, or poison of any kind whatsoever shall be stored or sold within the bounds of any public or private market; and any person found selling or storing any such articles as aforesaid within the market shall be guilty of an offence, and may be arrested without a warrant, and shall on conviction be liable to such fine and imprisonment as a police court has power to award.

Committee may lease public market.

14 The committee may, with the sanction of the Governor in Executive Council, sell, or at its own discretion, let to tenants on lease or otherwise, on such terms as it may think fit, any public market or such part thereof as is not set apart under section 4.

Markets fund.

15 All moneys recovered under this Ordinance by way of rents, fees, or otherwise shall be deposited in the Jaffna kachchéri, and shall be known as the "Markets Fund," and the moneys required may from time to time be, with the concurrence of the committee, drawn on bills signed by the chairman and expended in the upkeep, improvement, and maintenance of public markets, or in the purchase, with the consent of the Governor in Executive Council, of land for

new public markets, or for the purpose of establishing new and extending old public markets, or for the payment of such costs, charges, and expenses as are referred to in section 17.

16 An account of all receipts and disbursements of the "Markets Fund" shall be published half-yearly in the *Government Gazette.*

Accounts to be published half-yearly in the *Gazette.*

17 All suits, actions, or legal proceedings brought by or against the committee shall be brought by or against the chairman of the said committee, who shall sue and be sued by his style and description of such chairman. No action shall abate by reason of the death, resignation, retirement, or removal of such chairman; and all costs, charges, and expenses arising from, or in respect of, any suit, action, or legal proceeding which the committee may become liable to pay, or be chargeable with, shall be paid from the "Markets Fund," and no member shall, if he acts *bonâ fide*, be or become personally liable for the payment thereof. The service of all processes in any legal proceeding against the committee shall be made upon the chairman thereof.

Chairman to sue and be sued.

18 All by-laws made under this Ordinance, and confirmed by the Governor in Executive Council, shall be laid before the Legislative Council within one month of the commencement of the session next after the confirmation of such by-laws, and shall cease to have any force or effect if disapproved by the Council within two months of being so laid on the table.

By-laws to be laid before the Legislative Council.

16th December, 1891.

No. 20 of 1891.

An Ordinance to render more accurate and complete the Registration of Deaths.

(*See No. 18 of 1867 and No. 15 of 1877.*).

Preamble.

WHEREAS it is expedient to render more accurate and complete the registration of deaths kept under "The Registration of Births and Deaths Ordinance, 1867:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Commencement.

1 (1) This Ordinance shall come into operation only in such towns and places and at such time or respective times as the Governor in Executive Council shall, by Proclamation in the *Government Gazette*, from time to time appoint. Every such Proclamation shall define the limits of the town

or place within which this Ordinance shall come into operation, and it shall be lawful for the Governor in Executive Council from time to time in like manner to amend, alter, or revoke such Proclamation.

(2) Upon the revocation of such Proclamation this Ordinance shall cease to have any effect in the town or place described in such revoked Proclamation.

Definitions.

2 In this Ordinance, unless the context otherwise requires—

"Registrar-General" shall mean the Registrar-General of Birth and Deaths.

"Inquirer into deaths" shall include a police magistrate.

Governor may divide town or place into districts.

3 It shall be lawful for the Governor in Executive Council to divide any town or place brought within the operation of this Ordinance into as many localities as he may deem necessary for the registration of deaths, and such localities at any time to alter or abolish.

Governor to appoint local registrars to be paid for out of general revenue.

4 The Governor shall appoint for the purposes of this Ordinance one or more local registrars to each such locality, and shall prescribe the amount of allowance or salary to be paid to him or them out of the general revenue of the colony. Provided that only persons holding a qualification which would entitle them to be registered under the following Acts of the Imperial Parliament, to wit, "The Medical Act" (21 & 22 Vict., cap. XC.) and "The Medical Act, 1886" (49 & 50 Vict., cap. XLVIII.), or any other Acts of the Imperial Parliament which may be enacted in lieu thereof, or persons holding a certificate of competency, for the purposes of this Ordinance, from a board to be appointed by the Governor, shall be eligible for the appointment of local registrar.

Rules.

5 It shall be lawful for the Governor in Executive Council from time to time to make, and when made to alter, amend, or revoke, rules for the guidance of local registrars in the performance of the duty imposed on them by this Ordinance, and such rules, and every alteration, amendment, or revocation of the same shall be notified in the *Government Gazette.*

Information of death to be given to registrar.

6 It shall be the duty of the nearest adult male relative, and every medical practitioner present at the death of any person dying in any town or place brought within the operation of this Ordinance, or (in case none such shall be present) any adult inmate of the house or tenement in which such death shall have happened, or (in case such death shall have happened on any plantation or estate) the resident manager thereof, to give information to the local registrar with all reasonable despatch, according to the best of his knowledge and belief, of the several particulars referred to in schedule A.

7 It shall be the duty of all police and peace officers and headmen to ascertain, so far as it lies in their power, and notify with all practicable speed to the local registrar, the deaths of all persons occurring within their respective divisions, together with the particulars referred to in schedule B; and the local registrar shall, in the event of his not being furnished (within three hours of the receipt of such notification) by any inmate of the house, tenement, plantation, or estate in which such death took place, with the particulars referred to in schedule A, call upon such inmate for the necessary information.

Police and headmen to give notice of death to registrar.

8 Where an inquiry is held on any dead body under chapter XVII. of the Criminal Procedure Code, the inquirer into deaths shall ascertain the several particulars required by this Ordinance to be registered concerning the death, and the said inquirer shall send to the local registrar within three hours after the conclusion of such inquiry the said particulars, duly entered in schedule A, and the local registrar shall certify the same in his register. If the death has been previously registered, the said particulars shall be entered in the prescribed manner without any alteration of the original entry.

Inquirer into deaths to ascertain particulars for registration.

9 It shall not be lawful for any person to remove for burial or cremation any dead body unless a certificate under section 10 or 11 has been delivered to such person, or until after three hours shall have elapsed from the time in which the particulars referred to in schedule A have been furnished to the local registrar.

When body may be removed.

10 Upon receipt of the information under section 6 of the particulars referred to in schedule A, it shall be the duty of the local registrar forthwith to verify the same, and, if satisfied therewith, to issue a certificate under his hand that he has received notice of the death; or, if dissatisfied therewith, to proceed in manner hereinafter provided in section 11.

Registrar to issue certificate on receipt of notice of death.

11 In case the local registrar has reasonable grounds for suspecting that the fact of the death of any person, or the true cause of such death, has been concealed, or that the party who is liable to give such information has neglected or refused to do so, or has given false or insufficient information, it shall be lawful for the local registrar to enter the house, tenement, plantation, or estate in which the death took place, to question all persons likely to be acquainted with the facts of the case, and, if the body has not been already buried or cremated, to inspect the same. Immediately after such investigation he shall record such particulars referred to in schedule A as he shall have obtained, and shall issue a certificate under his hand that he has received notice of the death.

Registrar may visit house and inspect body.

12 Every person whose duty it is to give information under section 6 of this Ordinance, who shall wilfully neglect to furnish the particulars therein referred to, shall be liable to a fine not exceeding fifty rupees, or to simple or rigorous imprisonment not exceeding three months.

Penalty for failure to furnish information.

Penalty for false statements.

13 Whoever refuses to answer, or wilfully makes any false answer to any question put to him in pursuance of sections 10 and 11 of this Ordinance by a local registrar relating to any death or the cause of any death, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding fifty rupees, or to simple or rigorous imprisonment not exceeding six months.

Local registrar to register deaths

14 Every local registrar when satisfied with the information given under section 6, or after recording the particulars in manner provided by section 11, shall register the particulars required to be registered according substantially to the form B in the schedule to the Ordinance No. 18 of 1867; every such entry being made in order from beginning to the end of the book; and he shall also register the said particulars in the counterfoil certificate, and then separate the certificate from the register book, and transmit the same by the next convenient post or opportunity to the Registrar-General; and if no death shall have been registered during any calendar month, the said registrar shall at the end of the month certify such fact under his hand, and such certificate shall be transmitted as aforesaid; and the said registrar shall keep the register book safe.

Penalty on police officer neglecting to report.

15 Any police or peace officer or headman who shall have been informed of any death, and who shall neglect to report the same to the local registrar within three hours after he shall have obtained such information, shall be liable to a fine not exceeding fifty rupees.

Penalty on registrar and on informant for failure.

16 Any local registrar neglecting to issue the requisition provided in section 7, or any person neglecting or refusing to give information after such requisition, shall be liable to a fine not exceeding fifty rupees, or to simple or rigorous imprisonment not exceeding three months.

Penalty for illegal removal of body.

17 Whoever shall remove for burial or cremation any dead body in breach of section 9, shall be liable to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment not exceeding six months.

Registrars to be "public servants" within the meaning of the Ceylon Penal Code

18 Every local registrar shall be held to be a public servant within the meaning of that term as used in the Ceylon Penal Code.

Repeal.

19 When any town or place is brought within the operation of this Ordinance in manner provided in section 1, so much of section 4 of the Ordinance No. 18 of 1867 as enacts that the district registrar of marriages shall also be district registrar of deaths, and that the division of each province of this island into districts for the registry of marriages shall form the division for the registry of deaths, and so much of sections 10 and 24 of the said Ordinance as refers to the registration of deaths, and the whole of sections 18, 19, 20, 21, 22, and 23 of the said Ordinance, shall have no effect in such town or place.

20 This Ordinance shall, so far as is consistent with the tenor thereof, be read as one with the Ordinance No. 18 of 1867 and the Ordinance No. 15 of 1877.

To be read with Ordinances No 18 of 1867 and No. 15 of 1877

SCHEDULE A.

(Section 6 of Ordinance No. 20 of 1891.)

18 — Information of Death in the Town (*or* Village, *as the case may be*) of ———, in ———, in the ——— Province.

Date of Death.	Name in full.	Sex.	Age.	Rank or Profession.	Place where Death occurred.	Cause of Death.	Name of last Medical Attendant.	Name in full of Informant, and Residence.

SCHEDULE B.

(Section 7 of Ordinance No. 20 of 1891.)

18 —. Notification of Death in the Town (*or* Village, *as the case may be*) of ———, in ———, in the ——— Province.

Date of Death.	Name in full.	Sex.	Age.	Rank or Profession.	Place of Death.

16th December, 1891.

No. 23 of 1891.

An Ordinance to amend the Ordinance No. 16 of 1865.

(*See No. 16 of 1865.*)

Preamble.

WHEREAS it is expedient to amend in certain particulars "The Police Ordinance, 1865:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Amendment of section 32 of Ordinance No. 16 of 1865:

Police force may be placed under the control of a public officer.

1 For section 32 of "The Police Ordinance, 1865," the following section shall be substituted:

32 It shall be lawful for the Governor to place a police force established in any district, rural district, town, or place, or in the neighbourhood of any railway and other works, under the control of any public officer having authority in such district, rural district, town, place, or neighbourhood, or in the province wherein such district, rural district, town, place, or neighbourhood is situated; and such public officer shall in such case exercise the powers herein vested in police officers not under the grade of inspectors. Provided that nothing herein contained shall be held to interfere with the general supervision of the Inspector-General of Police over the entire force and all officers thereof, subject to rules and regulations to be made by the Governor.

Short title.

2 This Ordinance may be cited as "The Police Ordinance, 1891," and shall be read as one with "The Police Ordinance, 1865."

16th December, 1891.

No. 1 of 1892.

An Ordinance to amend "The Forest Ordinance, 1885."

(*See No. 10 of 1885.*)

Preamble.

WHEREAS it is expedient to amend "The Forest Ordinance, 1885," hereinafter referred to as "the principal Ordinance:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Amendment of Ordinance No. 10 of 1885.

1 (1) For the definition of "forest officer" in section 3 of the principal Ordinance the following shall be substituted, namely:

Forest officer.

"Forest officer" means all persons appointed by name or as holding an office by or under the orders of the Governor to be conservators, deputy conservators, assistant conservators, foresters, forest rangers, forest guards, or forest watchers, or to discharge any function of a forest officer under this Ordinance or any regulation or rule made hereunder.

(2) For the definition of "forest plantation" in the same section the following shall be substituted, namely : Forest plantation.

"Forest plantation" means any plantation made in any forest.

2 To section 4 of the principal Ordinance the following words shall be added, namely : Section 4. as to questions of title.

And in the event of judgment being entered in any suit or proceeding instituted against the Crown decreeing the title to any land reserved under section 19 to be vested in the person instituting such suit or proceeding, such land shall cease to be reserved from the date of such decree.

3 In section 6 of the principal Ordinance the word "such" shall be inserted in the first line after the word "any" and before the word "land." Section 6, as to notice in *Gazette*.

4 For section 11 of the principal Ordinance the following section shall be substituted, namely : Section 11, as to powers of forest settlement officer.

For the purposes of such inquiry the forest settlement officer may exercise the powers conferred on commissioners appointed under the provisions of Ordinance No. 9 of 1872 for compelling the attendance of witnesses and the production of documents, and for administering oaths to all persons who shall be examined before them, provided that the requirements of the proviso to section 2 of such Ordinance shall not be necessary for the purposes of this Ordinance.

5 To section 13 of the principal Ordinance the following words shall be added, namely : Section 13, forest settlement officer to have power to try questions of title.

If in any inquiry by a forest settlement officer any question shall arise as to whether the land proposed to be constituted a reserved forest is land at the disposal of the Crown, the forest settlement officer shall have jurisdiction to try and determine any such question of title for the purposes of this Ordinance.

6 In sub-section (*b*) of section 19 of the principal Ordinance the words "the appellate officer or" shall be omitted. Section 19, as to declaring forest reserved.

7 For section 20 of the principal Ordinance the following section shall be substituted, namely : Section 20, as to extinction of rights not claimed.

Rights in respect of which no claim has been preferred under section 7, and of the existence of which no knowledge has been acquired by inquiry under section 9, shall thereupon be extinguished, unless before the publication of such Proclamation the person claiming them has satisfied the forest settlement officer that he had sufficient cause for not preferring such claim within the period fixed under section 7.

Provided, however, that the right of any person in respect of whom no such claim has been made, and of the existence of which such knowledge has not been acquired, may be inquired into at any time during three years succeeding the institution of such inquiry; and if such

person was absent from the island when the inquiry of the forest settlement officer was held, the rights of such person may be inquired into at any time during ten years succeeding the institution of such inquiry: provided further that this reservation of the rights of claimants shall not in any way stay the publication of the Proclamation aforesaid.

Section 28, as to acts excepted from prohibitions contained in sections 26 and 27.

8 In the fifth line of section 28 of the principal Ordinance the word "twelve" shall be substituted for "eleven."

Section 33, as to appeals to Supreme Court.

9 For section 33 of the principal Ordinance the following section shall be substituted, namely:

(*a*) Any party to the proceedings who is dissatisfied with the decision or order of a forest settlement officer in respect of any claim made under section 13 or section 14 may appeal to the Supreme Court against such order or decision, by lodging within three weeks from the date of such order or decision being made, with the said forest settlement officer, a petition of appeal addressed to the Supreme Court, provided such party file with the said appeal an affidavit setting out the value of the right or of the land with regard to which the order or decision has been given against him.

(*b*) The forest settlement officer on receiving such affidavit and appeal petition shall transmit the same, together with all proceedings taken by him, to the Registrar of the Supreme Court, and the said court shall make such order as the justice of the case may require, and such order shall be duly carried into effect.

(*c*) Stamp duty shall be charged upon every such petition of appeal and upon every such affidavit, at the rates specified in part II. of the schedule B to "The Stamp Ordinance, 1890," for similar instruments in the district courts, and upon subsequent proceedings at the rates specified in the said schedule for appeals from the district courts; and every such appeal shall be dealt with and disposed of in the same manner and subject to the same rules as appeals from district courts are dealt with and disposed of.

Forests leased by the Government.

10 After chapter II. of the principal Ordinance the following chapter shall be inserted and numbered II. (*a*), namely:

CHAPTER II. (*a*).

Forests leased by the Government.

It shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation in the *Government Gazette*, at any time or from time to time, to declare any of the provisions of this Ordinance, and of any regulations or rules made thereunder, to be applicable to forests leased to the Crown, and to bring such forests within the operation of such provisions, regulations, or rules, and any such Proclamation, with like advice, to revoke, alter, or amend.

11 For section 40 of the principal Ordinance the following section shall be substituted, namely :

Section 40, as to protection of reserved trees.

No person shall, or shall cause any other person to, cut, mark, lop, girdle, tap, or injure, by fire or otherwise, any reserved tree in any forest, except as provided by rules made by the government agent on this behalf, or unless with the permission in writing of a forest officer empowered by the government agent to grant such permission.

12 After section 41 of the principal Ordinance the following section shall be added and numbered 41A, namely :

Power to make new rules and repeal old rules.

The government agent may add to, amend, or repeal any rules prescribed by him under section 41, or prescribe new rules in lieu thereof. Provided that any addition, amendment, or repeal, and all new rules prescribed by the government agent under the provisions of this section, shall be subject to the approval of the Governor, with the advice of the Executive Council, and shall, if approved, be published as in section 81 provided.

13 After section 43 of the principal Ordinance the following section shall be added and numbered 43A, namely :

Nothing in chapter IV. to apply to reserved forests.

Nothing in this chapter shall apply to reserved forests.

14 (1) In section 44 of the principal Ordinance the terms "forest produce" and "timber" shall, unless the context otherwise requires, after the passing of this Ordinance, include timber cut in any land or property, whether the property of the Crown or any private individual.

Section 44, as to rules made to regulate transit of timber.

(2) In sub-section (*d*) the words "passes for forest produce and timber when cut on land the property of the Crown" shall be substituted for the words "such passes."

(3) In sub-sections (*f*) and (*g*) of the same section there shall be substituted for the word "timber," wherever the same may occur, the words "forest produce."

(4) To the same section the following shall be added, namely :

The Governor in Executive Council may direct that any regulation made under this section shall not apply to any specified class of timber or other forest produce, or to any specified local area.

15 To section 47 of the principal Ordinance the following words shall be added, namely :

Section 47, as to marking boundaries.

unless the claimant shall give security to the satisfaction of the government agent equal to the value of such timber.

16 For the first paragraph of section 51 of the principal Ordinance the following paragraph shall be substituted, namely :

Section 51, as to drift timber.

All unclaimed timber found adrift, beached, stranded, or sunk.

Section 57, as to report to government agent.

17 For the second paragraph of section 57 of the principal Ordinance the following paragraph shall be substituted, namely:

Every officer seizing any property under this section shall place on such property or the receptacle (if any) in which it is contained, a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of the circumstances to the government agent or assistant government agent.

Section 58, as to the proceedings of the magistrate.

18 For section 58 of the principal Ordinance the following section shall be substituted, namely:

Upon the receipt of any such report the government agent or assistant government agent shall forthwith forward the same to the police magistrate having jurisdiction to try the offence, and such magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the property according to law.

Section 62, as to sale of perishable property seized.

19 In section 62 of the principal Ordinance the words "government agent or assistant government agent" shall be substituted for the word "magistrate," and the following proviso shall be added thereto, namely:

Provided that if the claimant shall give security to the satisfaction of the government agent or assistant government agent equal to the value of such property, the government agent or assistant government agent shall forthwith release the seizure and allow such property to be removed by the claimant.

Section 63, as to appeals from orders under sections 57, 59, or 60.

20 In section 63 of the principal Ordinance the word "thirty" shall be substituted for the word "fifteen," and the words "or section 60" shall be substituted for the words "section 60 or section 61."

Section 64, as to property vested in Government.

21 In section 64 of the principal Ordinance the word "fifty-nine" shall be substituted for the words "fifty-nine or sixty-one."

Section 73, as to cattle trespass.

22 For section 73 of the principal Ordinance the following section shall be substituted, namely:

Cattle trespassing on a forest plantation under the control and management of forest officers may be seized and impounded by any forest officer or police officer.

Section 76, as to appointment of Conservator of Forests.

23 Throughout section 76 of the principal Ordinance the words "Conservator of Forests" shall be substituted for "Chief Conservator of Forests."

Section 88, as to property of Crown debtors.

24 In section 88 of the principal Ordinance the words "section 83" shall be substituted for the words "sections 83 and 86."

Control of forests may be delegated to Conservator.

25 The Governor may by notification in the *Government Gazette* declare any reserved forest to be solely under the control of the Conservator of Forests, and may authorize such Conservator to exercise in respect of such reserved forest all or any of the powers and duties vested in and imposed on

the government agent under this and the principal Ordinance, subject to such restrictions as the Governor in Executive Council may from time to time think fit to impose.

26 To the first column of schedule B of the principal Ordinance the following word shall be added : "Pehimbiya ;" and to the third column of the same schedule the following words shall be added : "Filicium decipiens." Schedule B amended.

27 In the principal Ordinance the definition of "forest ranger" in section 3 and the words "forest ranger" in sections 50, 57, 66, 68, and 69, and the words "or forest ranger" in section 82, and the whole of sections 17, 18, 46, 58, 61, and 86, are hereby repealed. Repealing clause.

28 This Ordinance may be cited as "The Forest Amendment Ordinance, 1892," and shall come into operation at such time as the Governor shall appoint by Proclamation* to be published in the *Government Gazette*, and this Ordinance and the principal Ordinance may be read together as one Ordinance, and may be cited collectively as "The Forest Ordinances, 1885 and 1892." Short title and commencement.

13th April, 1892.

No. 2 of 1892.

An Ordinance for the enrolment of Coast Defence Volunteers.

(*See No. 3 of 1861.*)

WHEREAS it is expedient to empower the Governor, in the event of anticipated war, to raise a special force of coast defence volunteers to assist in the service of submarine mine defences, or in any measures involving the employment of steamers, launches, boats, or other vessels : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows : Preamble.

1 This Ordinance may be cited as "The Coast Defence Volunteers Ordinance, 1892." Short title.

2 It shall be lawful for the Governor, if and whenever the immediate outbreak of war between Her Majesty and any foreign state is apprehended, or after such war has been declared, to raise a volunteer force of such strength as he may think fit, to be styled "Coast Defence Volunteers," for special services in connection with submarine mines, or the management of steamers, launches, boats, or other vessels which may be required for the purpose of the defence of this colony. Governor may raise a coast defence volunteer force in case of apprehension of war between Her Majesty and any foreign state.

3 Such coast defence volunteers shall be engaged for a period of three months if war shall not be declared within that period, and if war shall be declared within that period, Engagement of coast defence volunteer force.

* Proclaimed as coming into operation from and after August 1, 1892.

then further for the period of the war; but the Governor shall have power to dismiss any member thereof, or to disband the force or any part of the force whenever he may see fit.

Governor may prescribe uniform for coast defence volunteers.

4 The Governor shall prescribe a distinctive uniform for such coast defence volunteers.

Governor may fix rate of pay.

5 The Governor shall fix the rate of pay for all members of the force, and shall lay down the proportion of the several ranks as he may think fit.

"Imperial Army Act, 1881," to apply to coast defence volunteers.

6 The provisions of "The Imperial Army Act, 1881," and of any other Imperial Act for the time being amending or superseding the same, shall apply to the coast defence volunteers from the date of their enrolment.

Provisions of the Ordinances No. 3 of 1861, No. 8 of 1881, No 9 of 1881, No. 11 of 1889, and No. 17 of 1890 to apply to coast defence volunteers.

7 The provisions of the Ordinances No. 3 of 1861, No. 8 of 1881, No. 9 of 1881, No. 11 of 1889, and No. 17 of 1890 relating to volunteers, so far as they are not inconsistent with the foregoing provisions, shall apply to the coast defence volunteers as if they were a volunteer corps formed under the said Ordinances, and the coast defence volunteers shall, for the purposes of the said Ordinances, be deemed to have been called out and to be on active service from the date of their enrolment.

1st June, 1892.

No. 3 of 1892.

An Ordinance to amend "The Ceylon Penal Code."

(*See No. 2 of 1883.*)

Preamble

WHEREAS it is expedient to allow the judges to exercise their discretion as to the amount of punishment to be awarded for all offences punishable under "The Ceylon Penal Code," and to amend the said Code in the particulars hereinafter mentioned: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Section 68 amended.

1 In section 68 of the said Code, for the word "subject" shall be substituted the word "liable."

Section 114 amended.

2 In section 114 of the said Code, for the words "for twenty years" shall be substituted the words "of either description which may be extended to twenty years."

Section 383 amended.

3 In section 383 of the said Code, for the words "shall not be less than seven years" shall be substituted the words "may be extended to twenty years."

Section 384 amended.

4 In section 384 of the said Code, for the words "shall not be less than seven years" shall be substituted the words "may be extended to twenty years."

To be read with "The Ceylon Penal Code" as one Ordinance.

5 This Ordinance and the Ordinance No. 2 of 1883, intituled "The Ceylon Penal Code," shall be read together as one Ordinance.

1st June, 1892.

No. 4 of 1892.

An Ordinance to abolish the Paddy Tax.

WHEREAS it is expedient to abolish the tax, duty, or share due to the Crown in respect of paddy grown in this colony : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows : Preamble.

1 From and after the coming into operation of this Ordinance there shall cease to be levied by and payable to the Crown such tax, duty, or share as by law, custom, or usage (whether general or local) has heretofore been so levied and payable in respect of paddy grown in this colony. Tax on paddy abolished.

Provided that nothing in this Ordinance contained shall be held or taken to in any way affect, diminish, or abridge the right or interest of the Crown in any land the property of the Crown, or the right of the Crown to demand, sue for, recover, or receive the half or any other share of paddy grown on land the property of the Crown and to which share the Crown may be in any way entitled.

2 The Proclamation of the third of May, 1800, and section 5 of the Proclamation of the third of September, 1801, and the Proclamation of the twenty-second of April, 1803, and sections 17, 18, 19, and 20 of the Proclamation of the twenty-first of November, 1818, and the Ordinances set forth in the schedule hereto, and so much of any other Ordinance as is inconsistent with this Ordinance, shall be and the same are hereby repealed. Repeal.

Provided that such repeal shall not affect any right, obligation, or liability accrued or incurred under any enactment hereby repealed, or any legal proceeding or remedy in respect of any such right, obligation, or liability as aforesaid, and any such legal proceeding or remedy may be carried on as if this Ordinance had not passed.

3 This Ordinance shall commence and come into operation on the thirty-first day of December, One thousand Eight hundred and Ninety-two. Commencement.

SCHEDULE.

Ordinance No. 14 of 1840	Ordinance No. 11 of 1878
Ordinance No. 29 of 1865	Ordinance No. 9 of 1884
Ordinance No. 5 of 1866	Ordinance No. 16 of 1885

1st June, 1892.

No. 5 of 1892.

An Ordinance to re-adjust the Customs Duties leviable on Tobacco, Kerosine Oil, and Spirits.

(*See No. 17 of 1869.*)

Preamble.

WHEREAS it is expedient to re-adjust the customs duties leviable under the Ordinances Nos. 17 of 1869, 14 of 1871, and 39 of 1884, respectively, on certain articles imported into this colony: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

To be read with Ordinances Nos. 17 of 1869, 14 of 1871, and 39 of 1884.

1 This Ordinance and the schedule hereto annexed shall be construed and read as one with the Ordinances Nos. 17 of 1869, 14 of 1871, and 39 of 1884, so far as they are consistent therewith.

Definition clause.

2 For the purposes of this Ordinance "kerosine oil" shall include the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosine, petroleum, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine, and any inflammable liquid that is made from petroleum, coal, schist, shale, peat, or any other bituminous substance, or from any products of petroleum.

Duties imposed on tobacco, kerosine oil, and spirits.

3 From and after the time when this Ordinance shall come into operation, the several duties of customs, as the same are respectively inserted, described, and set forth in figures in the schedule hereto annexed, shall be levied and paid upon the several articles in the said schedule mentioned when imported into this colony, anything in the aforesaid Ordinances Nos. 17 of 1869, 14 of 1871, and 39 of 1884 to the contrary notwithstanding.

Operation.

4 This Ordinance shall come into operation at such time as the Governor shall, by Proclamation to be published in the *Government Gazette*, appoint.*

SCHEDULE.

		Duty. Rs.	c.
Tobacco :—			
Cigars and snuff	... per lb.	1	50
Manufactured	... „	0	40
Unmanufactured and hookah	... „	0	25
Kerosine oil	... per gallon	0	25
Spirits :—			
All spirits, liqueurs, and cordials under proof ...	per imperial gallon	5	0
Proof and under 10° over proof ...	„	5	50
10° over proof and under 20° over proof ...	„	6	0
20° do. 30° do. ...	„	6	50
30° do. 40° do. ...	„	7	0
40° do. 50° do. ...	„	7	50
50° do. 60° do. ...	„	8	0
60° do. 70° do. ...	„	8	50
70° do. 80° do. ..	„	9	0
80° do. 90° do. ...	„	9	50

1st June, 1892.

* Proclaimed the 31st day of December, 1892.

No. 6 of 1892.

An Ordinance to amend "The Irrigation and Paddy Cultivation Ordinance, 1889."

(*See No. 23 of 1889.*)

WHEREAS it is expedient to amend "The Irrigation and Paddy Cultivation Ordinance, 1889," hereinafter referred to as "the principal Ordinance," and to make further provision for constructing, repairing, and improving irrigation works in this island, and for carrying out the purposes of the principal Ordinance: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows: **Preamble.**

1 This Ordinance shall come into operation on the thirty-first day of December next. **Commencement of Ordinance.**

2 This Ordinance may be cited as "The Irrigation and Paddy Cultivation Ordinance, 1892," and this Ordinance and the principal Ordinance may be cited collectively as "The Irrigation and Paddy Cultivation Ordinances, 1889 and 1892." **Short title.**

3 For section 6 of the principal Ordinance the following section shall be substituted, namely: **Treasurer to pay two hundred thousand rupees annually into the irrigation fund.**

The Colonial Treasurer shall, out of the general revenue of the island, pay annually as soon as may be after the first day of January into the irrigation fund a sum of two hundred thousand rupees, and such irrigation fund shall continue to be vested in the Central Irrigation Board for the time being.

1st June, 1892.

No. 7 of 1892.

An Ordinance to empower the Ceylon Government to raise Four Million Rupees for the construction of Railways and other Public Works.

WHEREAS it is expedient for the Ceylon Government to borrow, upon the security of the general revenue of the colony, a sum not exceeding four million rupees for the construction of railways and other public works, and the purchase of such lands, materials, and other things as may be required for and in connection with such railways and other public works: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows: **Preamble.**

1 This Ordinance shall come into operation on such day as the Governor shall by Proclamation appoint.* **Commencement.**

* Proclaimed the 5th day of September, 1892.

Power to borrow money not exceeding four million rupees.

2 It shall be lawful for the Governor, in addition to the money already borrowed under any other Ordinance, to borrow any sum or sums of money not exceeding four million rupees for the purposes specified in this Ordinance.

Application of money borrowed.

3 The money borrowed under the authority of this Ordinance shall be applied exclusively in and about the construction of railways and other public works, and in and about the purchase of such lands, materials, and other things as may be required for and in connection with such railways and other public works.

31st August, 1892.

No. 8 of 1892.

The Ceylon Inscribed Rupee Stock Ordinance, 1892.

Preamble.

WHEREAS it is expedient to provide for the creation of inscribed rupee stock to be issued in this colony: Be it enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Governor may raise by means of inscribed rupee stock money which he is authorized to raise by loan.

1 It shall be lawful for the Governor, whenever he desires to raise any sum or sums of money, being the whole or any portion of any sum which he may have been or shall hereafter be authorized to raise, by way of loan, by any Ordinance, which may have been or at any time may be passed, to raise the same or any part thereof by the creation and issue of inscribed rupee stock, under the provisions of this Ordinance.

Stock to be styled "Ceylon Inscribed Rupee Stock," and issued by the Treasurer.

2 Such stock shall be styled "Ceylon Inscribed Rupee Stock," and shall from time to time be issued by the Treasurer of Ceylon, who is hereinafter defined as the registrar, upon the best and most favourable terms that can be obtained, and in such amounts and on such conditions, subject to the provisions of this Ordinance, as the Governor may before the issue thereof from time to time direct, provided that the interest on such stock shall not exceed four per cent. per annum.

Inscribed rupee stock to be a charge upon general revenue.

3 The principal moneys and interest secured by the inscribed rupee stock created under the provisions of this Ordinance are hereby charged upon and shall be payable out of the general revenues and assets of the Government of Ceylon.

When the principal is to be repaid.

4 All the inscribed rupee stock which may be created under the provisions of this Ordinance shall be redeemable at par on a date to be named in that behalf by the Treasurer

when issuing the stock, such date not being later than fifty years from the date of issue. From and after which date all interest on the principal moneys secured thereby shall cease and determine, whether payment of the principal shall have been demanded or not.

Principal and interest where payable.

5 The principal moneys secured by the inscribed rupee stock created under this Ordinance, and the interest thereon, shall be payable at the Treasury at Colombo. Provided that it shall be lawful for the registrar to make such arrangements as the Governor may approve for making the interest payable by post dividend warrant at any kachchéri in the colony.

Appropriation out of general revenue of sums to meet interest and principal.

6 So long as interest shall continue to be payable on any such inscribed rupee stock, the Governor shall, in each half year ending with the day on which the interest thereon falls due, appropriate out of the general revenue and assets of the island a sum equal to one-half year's interest thereon, and shall authorize the Treasurer to pay thereout the then current half year's interest on the day when it falls due. After the date specified in the Ordinance authorizing an issue of inscribed rupee stock as that on which the contribution to the sinking fund shall commence, the Governor shall further appropriate out of the said revenue and assets in each half year ending as aforesaid an additional sum for the formation of a sinking fund equal to one-half per centum on the total nominal amount of such inscribed rupee stock, and that sum shall be vested in the hands of the Auditor-General and of the Treasurer, who are hereby appointed trustees of the sinking fund.

Investment of sinking fund.

7 The contributions to the sinking fund shall be applied as follows:

(*a*) If the price of the inscribed rupee stock be below par at the time when the contributions are received, the trustees shall, if practicable, purchase therewith the inscribed rupee stock in the market, and shall cancel in the register the stock so purchased.

(*b*) The trustees shall invest so much of the contributions as shall not be applied in the purchase of inscribed rupee stock, and the dividends, interest, or produce of such investments, in the purchase of such debentures, stock, or other security, as may from time to time be approved by the Governor, and shall hold such fund in trust for repayment of the principal moneys for the time being secured by the inscribed rupee stock.

Any deficiency in sinking fund to be made good out of general revenue.

8 In case the sinking fund shall be insufficient to provide the necessary funds for the redemption of the inscribed rupee stock when it shall have become due, the deficiency shall be made good out of the general revenue and assets of the Government of Ceylon.

Expenses to be paid out of sinking fund.

9 All expenses of or incidental to the management of the sinking fund or to the repayment of the principal moneys borrowed shall be paid out of the sinking fund.

Inscribed Rupee Stock.

Transfer of stock

10 The stock to which this Ordinance applies shall be transferred as follows:

(*a*) The transfer shall be made by an agreement in writing, which shall be signed by the transferor and transferee, which shall be attested by a credible witness, but no transfer under such agreement shall be registered without the production of the stock certificate referred to in section 20.

(*b*) The person becoming entitled to any stock or dividend thereon in consequence of the death, bankruptcy, or marriage of the stockholder, or of any devolution in law from the stockholder, or otherwise than by transfer of the stock, shall produce such evidence of his title as may be reasonably required by the registrar.

Closing of register for dividend.

11 The registrar may, for such period not exceeding fourteen days as he may from time to time fix previous to each payment of dividend on stock to which this Ordinance applies, close the register of the stock as regards transfers, upon giving not less than seven days' notice of such closing by advertisement in the *Ceylon Government Gazette* and in one newspaper published in the colony.

The persons who on the day of such closing are inscribed as stockholders shall, as between them and their transferees of stock, be entitled to the dividend then next payable thereon.

Dividends in case of infancy, &c. of a joint stockholder

12 Where stock to which this Ordinance applies is standing in the name of an infant or person of unsound mind jointly with any person not under legal disability, a power of attorney for the receipt of the dividends on the stock shall be sufficient authority in that behalf, if given under the hand of the person not under disability, and attested.

The registrar, before acting on the power of attorney, may require proof to his satisfaction of the alleged infancy or unsoundness of mind, by the affidavit of competent persons made before a justice of the peace, or in such other manner as he may reasonably require.

Stock Certificates to Bearer.

Stock certificates to bearer.

13 The registrar, if so authorized by the Governor, shall on application and payment of the fees, if any, chargeable in respect of the certificate, grant to a stockholder a certificate (in this Ordinance called a stock certificate to bearer) which shall entitle the bearer to the stock therein described, and shall be transferable by delivery.

There shall be attached to such certificate coupons entitling the bearer of or person named in the coupons to the dividends on the stock for a limited period, such interest to be payable only on the production of the certificate with its unpaid coupons complete at the Treasury at Colombo.

Inscribed Rupee Stock.

Any stock in respect of which a stock certificate to bearer has been so issued shall, so long as such certificate is outstanding, cease to be dealt with through the medium of the register.

Renewal of coupons or certificate.

14 On the expiration of the period for which the coupons attached to a stock certificate to bearer have been issued under this Ordinance, the certificate may be exchanged for another certificate with coupons for a further period.

Conversion into nominal stock of stock in certificate to bearer.

15 On delivery to the registrar of a stock certificate to bearer issued under this Ordinance, and of all unpaid coupons belonging thereto, the registrar shall enter the bearer in the register as proprietor of the stock described in the certificate, and thereupon that stock shall become transferable and the dividends thereon payable as if no stock certificate to bearer had been issued in respect of that stock.

Trustees not to apply for stock certificate to bearer.

16 A trustee shall not apply for or hold a stock certificate to bearer issued under this Ordinance unless expressly authorized to do so by the terms of his trust. But this provision shall not impose on the registrar an obligation to inquire whether a person applying for a stock certificate to bearer is or is not a trustee, or subject the registrar to any liability in the event of his issuing a stock certificate to bearer to a trustee, or invalidate any stock certificate to bearer issued.

Loss of stock certificate to bearer.

17 If any stock certificate to bearer issued under this Ordinance is lost, mislaid, or destroyed, the registrar shall, on such indemnity being given as he may reasonably require, and on payment of the expense of the issue, issue a fresh stock certificate to bearer in the place of the certificate so lost, mislaid, or destroyed.

Stock in certificate to bearer to have incidents of other stock, except as to transfer, &c.

18 Stock described in a stock certificate to bearer issued under this Ordinance shall, save as relates to the mode of transfer and payment of dividends, be subject to the same incidents in all respects as if it had continued to be transferable in the register.

Register.

Registry of stock.

19 The Treasurer of Ceylon shall be the registrar under this Ordinance, and shall keep a register at his office, in which all the rupee stock shall be inscribed at the time of issue in the names of the stockholders, and he may as such registrar, before the inscription of any stock, with the consent and approval of the Governor in Executive Council, make with respect to the transfer and management of such stock, regulations not inconsistent with the provisions of this Ordinance. It shall be lawful in and by such regulations to prescribe fees to be paid on such transfer or otherwise.

A printed copy of the documents containing the authority for and conditions of the issue of stock to which this Ordinance applies, and of all regulations with respect to the transfer of such stock or otherwise, in relation to such stock, shall be entered in the register of the stock.

Certificates to stockholders.

20 On the creation and issue to any person of any inscribed rupee stock under the provisions of this Ordinance, such person shall be entitled to a certificate, under the hand of the registrar, of his title to such stock.

Register to be evidence.

21 The register kept in pursuance of this Ordinance shall on its mere production from the custody of the registrar be evidence of all matters entered therein, and, as regards persons entered therein as proprietors of stock to which this Ordinance applies, of the title of those persons to the stock.

Notice of trust not receivable.

22 No notice of any trust in respect of any stock to which this Ordinance applies shall be entered in the register or receivable by the registrar or by the Government of this colony.

Information to be given respecting register.

23 The registrar shall keep in a separate book a list of the stockholders on whose stock the dividends have been unclaimed for ten years, together with their registered addresses and description, and such list shall be open for inspection at the usual hours of transfer upon payment of such fee, not exceeding five rupees, as may be fixed by the regulations.

The registrar shall give within a reasonable time after application a certificate stating the following particulars in relation to any stock of which he is registrar, or any part of such stock, or such of those particulars as may be required by the applicant, namely—

(*a*) The total amount issued and the total inscribed in the register ; and

(*b*) The total number of the persons in whose names the stock or part is originally inscribed, or after the register of such stock or part has been once closed as regards transfers, the total number of the stockholders at the last preceding date at which the transfer books were closed ; and

(*c*) The total number of each class of persons in whose names the stock or part is originally inscribed, or after the register of the stock or part has been once closed as regards transfers of each class of stockholders at the last preceding date at which the transfer books were closed, the classification being according to the amount held, omitting fractions of two thousand rupees ; and

(*d*) A copy or extract certified by the registrar or by some officer appointed for the purpose to be a true copy or extract of any conditions or regulations required by this Ordinance to be entered in the register.

Provided that the registrar shall not be required to give any such certificate in relation to any stock issued under the provisions of this Ordinance, or part of such stock, until after the expiration of one month after the stock or part of the stock to which the certificate relates has been inscribed.

Within a reasonable time after the application of any person who is a stockholder of any stock to which this Ordinance applies, the registrar shall give him a list of the registered names and addresses of the stockholders of such stock at the last preceding date at which the register was closed as regards transfers.

The registrar, before giving a certificate or list under this section, may require payment of such a fee not exceeding five rupees and a further sum of fifty cents for every folio of one hundred and twenty words, or in the case of a list of names and addresses of ten cents for each name and address, as the registrar may from time to time fix.

Any certificate or list given under this section shall be admissible in evidence.

Miscellaneous.

Creation, inscription, issue, conversion, and transfer of inscribed rupee stock.

24 The registrar shall from time to time under the directions of the Governor make arrangements for all or any of the following things :

(1) For inscribing rupee stock in his books.

(2) For managing the creation, inscription, and issue of inscribed rupee stock.

(3) For paying interest on inscribed rupee stock, and managing transfers thereof.

(4) For issuing inscribed stock certificates to bearer and, as often as occasion shall require, re-issuing or re-inscribing rupee stock, and re-issuing inscribed stock certificates.

General Provisions.

Exemption from stamp duties.

25 All documents whatsoever made or used under the provisions of this Ordinance shall be free from stamp duty, anything in any other Ordinance to the contrary notwithstanding.

Persons making false declarations how punishable.

26 If any person shall make and subscribe any declaration required to be made on the doing of any act, matter, or thing, or for verifying any statement whatsoever required to be done or made, or for use for any purpose, under the provisions of this Ordinance, and shall wilfully make therein any false statement as to any material particular, the person making the same shall be guilty of an offence, and being convicted thereof shall be liable at the discretion of the court to simple or rigorous imprisonment for any term not exceeding three years.

Frauds and forgery.

Forgery of transfer, &c.

27 Whosoever shall—

(*a*) Forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any transfer of any share or interest of or in any stock to which this Ordinance applies, or which may be transferable, under this Ordinance, or shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any power of attorney or other authority to transfer any share or interest in any such stock, or to receive any dividend or money payable for or in respect of any such share or interest, or who shall demand or endeavour to have any such share or interest transferred, or to receive any dividend or money payable in respect thereof, by virtue of any such forged or altered power of attorney or other authority, knowing the same to be forged or altered, with intent in any of the cases aforesaid to defraud; or who shall

Personation.

(*b*) Falsely and deceitfully personate any owner of any share or interest of or in any stock to which this Ordinance applies, or any owner of any dividend or money payable in respect of any such share or interest as aforesaid belonging to any such owner, and shall thereby transfer or endeavour to transfer any share or interest of or in any such stock belonging to any such owner, or thereby receive or endeavour to receive any money due to any such owner as if such offender were the true and lawful owner; or who shall

Forgery of witness' signature, &c.

(*c*) Forge any name, handwriting, or signature, purporting to be the name, handwriting, or signature of a witness attesting any transfer of any stock to which this Ordinance applies, or attesting the execution of any power of attorney, or other authority, to transfer any share or interest of or in any such stock, or to receive any dividend or money payable in respect of any such share or interest, or shall offer, utter, dispose of, or put off any such power of attorney, or other authority with any such forged name, handwriting, or signature thereon, knowing the same to be forged; or who shall

False entries in register, &c.

(*d*) Wilfully make any false entry in, or wilfully alter any word or figure in any register or certificate of or relating to any stock to which this Ordinance applies, or shall wilfully make any transfer of any share or interest of or in any such stock in the name of any person not being the true and lawful owner of such share or interest, with intend to defraud,

shall be guilty of an offence, and being convicted thereof shall be liable at the discretion of the court to simple or rigorous imprisonment for any term not exceeding five years.

28 All offences under this Ordinance are hereby declared to be cognizable and bailable within the meaning of those terms as defined in section 3 of the Criminal Procedure Code, and shall be triable by the district court, which is hereby authorized to inflict the penalties hereinbefore provided, anything in section 15 of the said Code to the contrary notwithstanding.

Offences to be cognizable and bailable and triable by district courts

29 This Ordinance may be cited as "The Ceylon Inscribed Rupee Stock Ordinance, 1892," and shall come into operation on such day as the Governor shall by Proclamation appoint.*

Short title.

31st August, 1892.

No. 9 of 1892.

An Ordinance for imposing a Duty on Tavern Licenses within Municipalities.

(*See No. 10 of 1844 and No. 13 of 1891.*)

WHEREAS it is expedient to amend the Ordinances Nos. 10 of 1844 and 13 of 1891, and to impose a duty on all licenses issued in respect of arrack taverns within municipalities: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 (1) Whenever in pursuance of the provisions of section 26 of the said Ordinance No. 10 of 1844, as re-enacted by section 9 of the said Ordinance No 13 of 1891, the government agent of a province issues a license to sell by retail arrack and rum at any tavern situated within the limits of a municipality, such license shall be subject to a stamp duty.

Stamp duty payable on tavern licenses within municipalities

(2) The Governor in Executive Council shall from time to time, by notification in the *Government Gazette*, fix the amount of such duty, which may vary in different municipalities, but which shall in no case exceed five hundred rupees, and may, with the like advice, amend or alter any such notification.

2 This Ordinance shall be read as one with the Ordinances Nos. 10 of 1844 and 13 of 1891, and shall commence and take effect on the first day of July, One thousand Eight hundred and Ninety-three.

To be read as one with Ordinances Nos 10 of 1844 and 13 of 1891. Commencement.

11th October, 1892.

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*Proclaimed the 5th day of September, 1892.

No. 10 of 1892.

An Ordinance relating to the registration of Marriages, Births, and Deaths.

(*See No. 6 of 1847, No. 13 of 1863, No. 18 of 1867, and No. 3 of 1870.*)

Preamble.

WHEREAS doubts have arisen as to the legality of the registration of marriages, births, and deaths in this colony, and it has become expedient to remove such doubts: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Irregular registration declared valid.

1 The solemnization and registration of all marriages, and the registration of all births and deaths, which shall have occurred up to the date of the coming into operation of this Ordinance, shall be as valid and effectual for all purposes intended by, or relating to, or connected with the provisions of the Ordinances No. 6 of 1847, No. 13 of 1863, No. 8 of 1865, No. 18 of 1867, No. 3 of 1870, and No. 9 of 1870, as if each and every of the registration districts had been duly established under the said Ordinances, and as if every person who had held, or who at the date of the coming into operation of this Ordinance is holding, the office of registrar of marriages, or the office of registrar of births and deaths, had been duly appointed registrar of marriages and registrar of births and deaths respectively.

Entries in registration books declared valid.

2 Every entry appearing in the books kept or purported to be kept in conformity with the provisions of the said Ordinances No. 6 of 1847, No. 13 of 1863, No 8 of 1865, No. 18 of 1867, No. 3 of 1870, and No. 9 of 1870, shall be deemed to be valid and effectual for the purposes of the said Ordinances.

Saving clause.

3 Nothing in this Ordinance contained shall give any validity—

(*a*) To the solemnization or registration of any marriage, or the registration of births and deaths, except so far as relates to defects thereof caused by the non-establishment, imperfect establishment, or accidental abolition of any registration district, or by the irregular appointment or non-appointment of any person acting or purporting to act as registrar; or

(*b*) To any marriage that may heretofore have been declared invalid by a competent court; or

(*c*) To any marriage invalid by reason of the non-establishment, imperfect establishment, or accidental abolition of any registration district, or of the irregular appointment or non-appointment of any person acting or purporting to act as registrar, when the parties or either of them have or has subsequently contracted a valid marriage.

4 This Ordinance may be cited for all purposes as "The Marriages, Births, and Deaths Registration Amendment Ordinance, 1892," and it shall come into operation from and after such date as the Governor shall appoint by Proclamation published in the *Government Gazette.* **Short title.**

11th October, 1892.

No. 11 of 1892.

An Ordinance to authorize the appointment of Additional Provincial and District Registrars.

(*See No. 6 of 1847, No. 13 of 1863, No. 18 of 1867, and No. 3 of 1870.*)

WHEREAS it is expedient to make better provision for the registration of marriages, births, and deaths in the colony: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows: **Preamble.**

1 It shall be lawful for the Governor to appoint any person to be additional provincial registrar of marriages and additional provincial registrar of births and deaths for any province, and such registrar so appointed at pleasure to remove. Every person so appointed shall, under the direction of the provincial registrar, exercise and perform all the powers, duties, and functions now vested in, and made exercisable by, the government agent as provincial registrar of marriages and provincial registrar of births and deaths for such province under and by virtue of the provisions of Ordinances No. 6 of 1847, No. 13 of 1863, No. 8 of 1865, No. 18 of 1867, No. 3 of 1870, and No. 9 of 1870. **Governor may appoint additional provincial registrars.**

2 It shall be lawful for the Governor to appoint any person as additional registrar of marriages and additional registrar of births and deaths for any district of or in respect of which an assistant government agent shall be registrar, and such registrar so appointed at pleasure to remove. Every person so appointed shall, under the direction of the assistant government agent, exercise and perform all the powers, duties, and functions now vested in, and made exercisable by, the assistant government agent as registrar for such district under and by virtue of the provisions of the Ordinances specified in the last preceding section. **Governor may appoint additional district registrars.**

17th October, 1892.

Ceylon Savings Bank.

No. 12 of 1892.

An Ordinance to amend "The Ceylon Savings Bank Ordinance, 1859."

(*See No. 12 of 1859.*)

Preamble.

WHEREAS it is expedient to amend Ordinance No. 12 of 1859, intituled "An Ordinance for the better Regulation of the Ceylon Savings Bank:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

To be read with Ordinance No. 12 of 1859.

1 This Ordinance and Ordinance No. 12 of 1859, hereinafter called "the principal Ordinance," shall be construed and read as one Ordinance.

Board of directors.

2 Wherever the words "the managing body" appear in the principal Ordinance there shall be substituted therefor the words "the board of directors."

Management.

3 For section 5 of the principal Ordinance the following shall be substituted:

The bank shall be under the management of a board of three directors, who shall not directly or indirectly receive any salary, allowance, profit, or benefit whatsoever therefrom. Provided, however, that nothing in this section shall prevent any member of the board (or any officer of the bank) from becoming depositors therein on the same terms as others.

Board how constituted.

4 For section 6 of the principal Ordinance the following shall be substituted:

The Colonial Secretary shall be *ex officio* the president of the board of directors. The other members of the board shall be nominated from time to time by the Governor.

Meetings. Quorum.

5 For section 8 of the principal Ordinance the following shall be substituted:

The president shall appoint the times for the meetings of the board of directors for the transaction of business. At such meetings two directors shall be sufficient to form a quorum.

Officers.

6 In section 10 of the principal Ordinance for the word "actuary" shall be substituted the word "accountant," and for the words "of the said bank" shall be substituted the words "employed in the business of the bank."

Directors.

7 In section 12 of the principal Ordinance for the words "five managers" shall be substituted the words "two directors."

Depositors.

8 For section 18 of the principal Ordinance the following shall be substituted:

No depositor shall be allowed to deposit in the said bank any sum less than fifty cents at any one time or more than rupees one thousand in any one year, nor shall any depositor be allowed to have at any one time in the said bank a larger sum than rupees three thousand of principal.

9 In section 19 of the principal Ordinance for the words "two hundred and fifty pounds" shall be substituted the words "rupees two thousand five hundred," and for the words "seven hundred and fifty pounds" shall be substituted the words "rupees seven thousand five hundred."

Extent to which charitable societies may deposit.

10 For section 21 of the principal Ordinance the following shall be substituted:

Deposits by or on behalf of minors.

The said bank may receive deposits from or for the benefit of minors, subject to the same regulations as to deposits made by others, and it shall be lawful for the bank to pay to such minors the interest which may become due on such deposits. Any deposit made by or on behalf of any minor may be paid to him personally or to his guardian for his use if the deposit was made by any person other than the minor, together with the interest accrued thereon. The receipt of any minor or guardian for money paid to him under this section shall be a sufficient discharge therefor.

11 For section 23 of the principal Ordinance the following shall be substituted:

Investment of deposits.

The several sums which shall from time to time be deposited in the bank shall be laid out at interest by the treasurer on the mortgage of immovable property in this island, or in Government securities of the United Kingdom of Great Britain and Ireland, or of India, or of this island, or of any British colony; and the treasurer is hereby empowered from time to time to sell or otherwise dispose of such securities. Provided, however, that any moneys remaining in the hands of the treasurer over and above the principal of the moneys deposited in the said bank may, until so invested as aforesaid, be deposited at interest by the treasurer in any bank approved by the Governor carrying on business in this island.

12 In section 24 of the principal Ordinance for the word "trustees" shall be substituted the word "treasurer," and for the words "names of the trustees" shall be substituted the words "name of the treasurer."

Treasurer.

13 For section 25 of the principal Ordinance the following shall be substituted:

Actions by and against the bank.

All suits and actions to be instituted by or against the bank shall be instituted by or against the Attorney-General of the island for the time being.

14 In section 26 of the principal Ordinance for the word "actuary" shall be substituted the word "accountant," for the words "fifty pounds" shall be substituted the words "five hundred rupees," and for the words "secretary and one of the trustees" shall be substituted the words "secretary and one director."

Deposits and payments.

15 For section 27 of the principal Ordinance the following shall be substituted:

Bank officers to give security and to contribute to Widows' and

The secretary, the accountant, and other officers of the bank receiving salaries from the funds of the bank are

Orphans' Pension Fund

hereby declared to be public officers in the employment of the Government of Ceylon, and may be required to give security for the due performance of the duties of their respective offices under the provisions of "The Public Officers' Security Ordinance, 1890." And all such officers in the receipt of salaries of not less than two hundred and fifty rupees per annum shall be liable to contribute to the Widows' and Orphans' Pension Fund, under the provisions of the Ordinance No. 20 of 1885 and the Ordinance No. 1 of 1890.

Letters of administration when to be dispensed with.

16 For section 28 of the principal Ordinance the following shall be substituted :

In case of the death of any depositor whose deposits, including interest thereon, shall not amount to rupees one thousand, and where the treasurer shall be satisfied by affidavit that the depositor died intestate, and that no letters of administration are required by law to be taken out, the treasurer shall be at liberty to pay the amount of such deposits to any person or persons appearing to him to be entitled thereto as heir or heirs at law of the deceased depositor ; and such payment shall be a full discharge from all further liability in respect of the money so paid.

Effects of bank in whom vested.

17 In section 29 of the principal Ordinance for the words "trustees thereof" shall be substituted the words "the Government of this colony," and for the words "the trustees of the Ceylon Savings Bank" shall be substituted the words "the Crown."

18 In section 30 of the principal Ordinance for the words "trustees of the said bank" shall be substituted the words "board of directors."

Repeal.

19 The definition of "Treasurer of Ceylon" in section 4, and the whole of sections 7 and 31 of the principal Ordinance, are hereby repealed.

Provided, however, that neither such repeal nor any of the provisions hereinbefore enacted shall affect—

(*a*) Anything duly done or suffered under any enactment hereby amended or repealed ; or

(*b*) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby amended or repealed ; or

(*c*) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, or liability, as aforesaid ; and any such investigation, legal proceeding, and remedy may be carried on as if this Ordinance had not passed.

Commencement.

20 This Ordinance shall come into operation on such day as the Governor shall appoint by Proclamation in the *Government Gazette.*

17th October, 1892.

* Proclaimed the 1st day of January, 1893.

No. 13 of 1892.

An Ordinance to amend and consolidate the Law relating to Postal and Telegraphic Communications.

Preamble.

WHEREAS it is expedient to amend and consolidate the law relating to postal and telegraphic communications and the rates of postage and telegrams: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title. Date of operation.

1 This Ordinance may be cited for all purposes as "The Ceylon Postal and Telegraph Ordinance, 1892," and it shall come into operation on such date as the Governor shall, by Proclamation to be published in the *Government Gazette*, appoint.*

Repeal

2 On and from the day on which this Ordinance comes into operation, the Ordinances mentioned in the first schedule hereto shall be severally repealed, except as to liabilities which shall have been incurred, acts which shall have been done, and all proceedings or matters which shall have taken place before this Ordinance comes into operation. Where any unrepealed Ordinance incorporates or refers to any provision of any Ordinance hereby repealed, such unrepealed Ordinance shall be deemed to incorporate or refer to the corresponding provision of this Ordinance.

Interpretation clause.

3 The following words and expressions in this Ordinance shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction:

"Her Majesty."

The expression "Her Majesty" shall include Her Majesty's heirs and successors.

"Postmaster-General."

The expression "Postmaster-General" shall mean the Postmaster-General and Director of Telegraphs of this island, or the person for the time being lawfully executing the duties of his office.

"Assistant."

The word "assistant" shall mean any person appointed by the Governor as an assistant of the Postmaster-General.

"Postmaster."

The word "postmaster" shall mean any person appointed as such by the Governor.

"Postal Department."

The expression "postal department" shall mean the postal and telegraph department of this island.

"Newspaper"

The word "newspaper" shall include every *bonâ fide* supplement to a newspaper published and issued with the newspaper itself, and any periodical publication in the nature of a newspaper.

* Proclaimed the 17th day of January, 1893.

"Postal order." The expression "postal order" means an order for the payment of money issued under section 76 of this Ordinance.

"Post office rules." The expression "post office rules" means rules or regulations from time to time made in pursuance of this Ordinance.

Postal packets." The expression "postal packet" in this Ordinance means a letter, post card, newspaper, book packet, pattern or sample packet, circular, legal and commercial document, packet of photographs, and every packet or article which is not for the time being prohibited by this Ordinance from being sent by post. Provided that if any question arises whether any postal packet is a letter, post card, newspaper, supplement, book packet, circular, or other description of postal packet, within the meaning of this Ordinance, the decision thereon of the Postmaster-General shall be final, save the Governor, with the advice of the Executive Council, may, on the application of any person interested, reverse or modify the decision and order accordingly.

Decision as to packets.

"Prescribed." The expression "prescribed" means prescribed by the post office rules for the time being in force.

"Official letter." The expression "official letter" shall mean any postal packet on public business sent by any public department of the island or an authorized official thereof.

'Unstamped." The expression "unstamped" shall include "insufficiently stamped."

Establishment.

Appointment of officers.

4 For carrying on the service of the postal department it shall be lawful for the Governor to appoint such officers with such official styles or designations as the said Governor may deem expedient. All appointments in the postal department heretofore made shall be deemed to be made under the provisions of this Ordinance. All officers in the postal department shall hold their respective offices during the Governor's pleasure.

Governor may establish post offices.

5 The Governor may establish post offices and telegraph offices at such places as he may deem expedient, and discontinue any post or telegraph office. He may also provide, in such manner as he may deem expedient, for the conveyance of postal packets. All post offices or telegraph offices heretofore established shall be deemed to be established under the provisions of this Ordinance.

Postmaster-General to provide receiving boxes.

6 The Postmaster-General may provide, in such places as he may deem expedient, receiving boxes for the deposit of postal packets, and shall cause the postal packets deposited therein to be collected as often as public convenience may reasonably require.

Postal and Telegraphic Communications.

7 The Postmaster-General may prescribe a uniform dress to be worn by employés of the postal department. **Uniforms.**

8 No person employed in the postal department shall be a contractor, or be interested in any contract for carrying the mails, or act as agent, with or without remuneration, for any contractor or person offering to become a contractor in any business in which the postal department is concerned. Any person acting contrary to any of the provisions of this section shall be liable to be forthwith dismissed, and further to pay to the Postmaster-General, on account of the Government, all such money as such person may have realized under or by means of such contract or agency. The Postmaster-General may sue for and recover such money. **No postal officer to be interested in postal contracts.**

9 No Postmaster-General nor any person employed by or under the postal department shall be compelled to serve on any jury or any inquiry held under chapter XVII. of "The Criminal Procedure Code." **Officers of postal department exempted from serving as jurors.**

Postal Packets.

10 Postal packets shall be divided into— **Classification of postal packets.**

(*a*) Letters.
(*b*) Post cards.
(*c*) Printed matter.
(*d*) Miscellaneous packets.

Letters shall include all postal packets wholly or partly in writing, which are so sealed or fastened as to prevent any part of their contents being examined without breaking the seal or fastening. **Letters.**

Post cards include reply post cards, and are— **Post cards.**

(i.) Such cards as are supplied by the Commissioner of Stamps.

(ii.) Such cards (not exceeding in either size or weight those supplied by the Commissioner of Stamps) as may be tendered for transmission by post, bearing on one side nothing but an address and an adhesive stamp.

(iii.) Reply post cards mean post cards of such a character that the person receiving the same through the post may without further payment again transmit the same or a part thereof through the post.

Printed matter shall include all documents in writing or print not in the nature of a personal communication, and must be posted open at both ends so as to admit of the removal and inspection of contents without breaking the seal or fastening, and without injury to the wrapper. **Printed matter**

Miscellaneous packets shall include all other postal packets. **Miscellaneous.**

Maximum weight of printed matter and miscellaneous packet.

11 Nothing shall be posted as printed matter or a miscellaneous packet which shall exceed five pounds in weight if to be forwarded by runner lines, or shall exceed fifty pounds in weight if to be forwarded by railway or coach lines or by sea, or which shall exceed two feet in length and one foot in breadth or depth.

Parcels exceeding five pounds in weight to be called for at post office.

12 No postal packet exceeding five pounds in weight shall be forwarded to the address of the addressee, but a notice shall be sent to the addressee that such packet must be called for at the post office by him or his duly authorized agent.

No dangerous substance to be sent by post.

13 No person shall knowingly post, send, tender, or deliver, in order to be sent by the post, any postal packet containing any explosive or other dangerous material or substance, or any offensive substance whatever, or any glass or glass bottle which may injure the contents of the mail, or any article which may injure the contents of the mail or any property of the postal department, or the person of any officer of the postal department; and any person contravening this prohibition shall be guilty of an offence, and liable to a fine not exceeding two hundred rupees.

Officers of the postal department authorized to detain postal packet containing substance above referred to.

14 No officer of the postal department shall, on any pretence whatever, forward or cause to be forwarded any postal packet of the nature referred to in the foregoing section; and should any such postal packet have been received into any post office, the Postmaster-General or any of his assistants, or the postmaster of any office where it has been received, is hereby empowered to detain it, and to otherwise deal with it in such manner as he shall deem expedient.

Payment of postage before delivery required.

15 Postal packets on which postage is payable shall not be delivered until the postage due thereon has been paid.

Authority to remove wrappers from printed articles.

16 By special authority to be obtained in each case from the Postmaster-General or his assistant, postmasters may, at the office of delivery, remove the wrappers and envelopes from postal packets posted as printed matter or as miscellaneous packets, and not charged with letter postage nor lawfully franked, for the purpose of ascertaining whether anything enclosed would render the packets liable to a higher rate of postage; and such postmasters may detain any such packets until they can communicate with the Postmaster-General or his assistant in respect thereof.

Opening of postal packets from foreign countries.

17 When postal packets from a foreign country are received at any post office, and the postmaster has reason to believe that such postal packets contain articles subject to duty, he shall immediately notify the receipt of such postal packets to the principal officer of customs of the district, together with the names of the persons to whom the same are addressed. Letters, printed matter, or miscellaneous packets when seized will be opened by the addressee or his agent in the presence of an officer of the customs or of the postmaster.

18 No person having delivered into any post office any postal packet shall be entitled to recall the same on any pretence whatever.

No postal packet to be recalled.

19 The Postmaster-General shall from time to time publish a list of the names of the addressees of non-delivered postal packets.

Lists of non-delivered postal packets.

20 The Postmaster-General may prescribe by regulation the manner of enclosing matter not charged with letter postage nor lawfully franked, so that it may be conveniently examined by postmasters ; and if not so enclosed, it shall be subject to letter postage.

Postmaster-General may prescribe mode of enclosing matters not charged as letters.

21 Senders of miscellaneous packets will receive notice of delivery to the addressee, if they tender with such packet an acknowledgment receipt to be issued for the purpose bearing a five-cent stamp. The name and full particulars of address of the sender must be written on the acknowledgment receipt when tendered.

Notice of delivery of miscellaneous packet.

22 The Postmaster-General may, upon evidence satisfactory to him that any person, firm, or corporation is engaged in conducting any unlawful lottery, gift, enterprise, or scheme for the distribution of money, or of any movable or immovable property by lot, chance, or drawing of any kind, or in conducting any scheme or device for obtaining money through the post office by means of false or fraudulent pretences, representations, or promises, forbid the payment by any postmaster to any such person, firm, or corporation of any money order or postal order drawn to the order or in favour of him or of them, and may provide by regulations for the return to the remitters of the sums named in such money orders and postal orders. And the Postmaster-General may also upon like evidence instruct postmasters at any post offices at which registered letters shall arrive directed to any such person, firm, or corporation, to return all such registered letters to the postmasters at the offices at which they were originally posted, with the word "fraudulent" plainly written or stamped upon the outside of the said letters ; and all such letters so returned to such postmasters shall be by them returned to the writers thereof under such regulations as the Postmaster-General may prescribe. Provided that nothing in this section contained shall be so construed as to authorize any postmaster or other person to open any letter not addressed to himself.

When Postmaster-General may forbid the payment of money orders.

Return of registered letters when fraudulent.

Ship and Steamboat Postal Packets.

23 The master or other person in command of every British vessel bound from any port of this island shall receive on board and convey all postal packets which shall be delivered or caused to be delivered to him by the Postmaster-General or any of his deputies or assistants ; and such master or other person shall, if required, give a receipt for the same ; and every such master or other person acting contrary to the

Masters of ships to receive mails.

provisions of this clause shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding two hundred rupees.

Master to land postal packets at first port.

24 On the arrival of any vessel off any port on the coast of Ceylon, the master or person in chief command thereof shall cause all postal packets on board which are addressed to or destined for such port, to be collected, and at the first port at which any such vessel shall touch or arrive, or with which it shall communicate otherwise than by signal, shall send the same on shore by his own boat, or by the pilot boat, or any other safe and convenient opportunity, in order that the same may be delivered at the first regular post office which can be communicated with, and such master or person shall, at the regular port or place at which the vessel shall report, sign a declaration in the presence of the person authorized in that behalf by the Postmaster-General at such port or place, who shall also sign the same; and the declaration shall be in form or to the effect following; that is to say:

And make declaration.

> I, *A. B.*, commander of the (*state the name of the ship or vessel*), arrived from (*state the place*), do, as required by law, declare that I have, to the best of my knowledge and belief, delivered or caused to be delivered to the post office every postal packet posted for Ceylon that was on board the (*state the name of the vessel*).

Penalty on false declaration.

In case such declaration shall be false, the person making the same shall be guilty of an offence, and be liable on conviction to a fine not exceeding one hundred rupees.

Seizure of postal packets unlawfully on board.

25 It shall be lawful for any officer of customs at any port or place in this island who, in the due execution of his duty as a revenue officer, shall discover on board any vessel in any port or place whatever any postal packets in respect of which any of the provisions of this Ordinance shall have been infringed, to seize and take all such packets and to forward the same to the Postmaster-General or his deputy at such port or place.

Rates payable to master of vessel.

26 In the absence of any special contract in this behalf, the master or officer in command of the vessel shall be paid for the conveyance of postal packets by the postmaster at the office of receipt at the rates to be determined from time to time by the Governor, acting with the advice of the Executive Council, and to be published in the *Government Gazette*.

Letters from Soldiers or Seamen.

Postage on soldier's and seamen's letters.

27 Letters for or from non-commissioned officers, bandmasters, army schoolmasters (not being superintending schoolmasters or schoolmasters of the first class), private soldiers, or seamen belonging to Her Majesty's ships, whether serving on sea or land, or at home or abroad, shall be liable

to a postage rate of five cents only : Provided that if such letters have to pass through a foreign country they shall be subject, in addition to the foreign postage, to the following conditions :

(1) That any such letter shall not weigh more than half an ounce. If any such letter weigh more than half an ounce, the postage charged shall be at the same rate as that upon ordinary letters.

(2) That the person claiming the privilege shall at the time be actually employed in the service of Her Majesty, and shall be entitled as of the rank or designation above specified.

(3) That the name of the soldier or seaman, with his rank, class, or description, shall appear in the direction, and that the officer having the command shall sign his name, specifying the ship or regiment, corps or detachment, to which the soldier or seaman belongs ; the name of the ship or regiment being entered in full.

(4) That the contents of any such letter shall entirely relate to the private concerns of the soldier or seaman.

Soldiers' and seamen's letters addressed to care of agent to pay ordinary postage.

28 Soldiers' or seamen's letters received in Ceylon from abroad, if addressed to the care of an agent or any other person, are liable to the ordinary rate of postage, the privilege of receiving letters at reduced rates being confined to such letters as are addressed directly to such soldiers or seamen.

Newspapers.

Postage on newspapers may be collected in advance.

29 The Postmaster-General may in his discretion collect in advance the postage on newspapers and other periodicals sent from a known office of publication to regular subscribers; such postage to be paid in advance for not less than one quarter nor more than one year.

Declaration by publisher.

30 The Postmaster-General may prescribe by regulation a declaration in form to be taken by the publisher or proprietor of any newspaper or other periodical, which may by law be sent to regular subscribers without payment of postage, at the office of posting, to the effect that neither he nor any other proprietor, nor any person in his or any other proprietor's employ, will, within his knowledge, send, cause, or permit to be sent through the post, without prepayment by postage stamps, any such newspaper or other periodical for which postage has not been collected in advance under the next preceding section ; and any publisher or proprietor of any newspaper or other periodical, or any clerk, agent, or person in the employ of such publisher or proprietor, who shall knowingly post or cause to be posted any such newspaper or periodical without prepayment of postage, shall be guilty of an offence, and liable to a fine not exceeding five hundred rupees.

Penalty for posting newspaper without prepayment of postage.

Postal and Telegraphic Communications.

Registered Postal Packets.

Registration of postal packets.

31 Any postal packet not exceeding five pounds in weight may be registered, provided it be presented for registration at the window of the post office, and the registration fee be prepaid in addition to the regular postage. Letters upon the official business of the postal department which require registration shall be registered free of charge. A receipt for such registered packet shall be handed to the sender.

Registered letters not expressly handed to clerk subject to double ordinary fee.

32 Any postal packet if marked *registered*, or evidently intended for registration, shall, if properly prepaid in stamps, and if found in the receiving box or in some part of the post office, and not expressly handed to the clerk, be liable to double the ordinary registration charge ; and any registered postal packet if re-posted as an ordinary postal packet with the word "registered" un-erased, or erased in pencil only, shall be liable to double the ordinary registration fee.

When registration compulsory.

33 The registration of any postal packet posted at any Ceylon post office and addressed to any place in Ceylon containing coin or any currency note or any portion thereof, or any postage or other stamps, or a bank note or bank bill, jewels, ornaments, or other valuable articles, is compulsory.

Dead and Unclaimed and Re-directed Postal Packets.

Re-direction.

34 Prepaid and free postal packets shall be forwarded from one post office of delivery to another, at the request of the party addressed or in order to effect delivery, without any additional charge for postage.

Seized postal packets.

35 All postal packets which may be seized or detained for violation of law shall be returned to the owner or sender, or otherwise disposed of as the Postmaster-General may direct.

Dead postal packets.

36 All postal packets containing articles of value, which for any reason cannot be delivered to the person addressed or returned to the sender, shall be registered in the dead letter office of the postal department, and the contents thereof shall be disposed of, and a careful account shall be kept of the amount found or realized in each case, which shall be subject to reclamation by either the party addressed or the sender for four years from the registry thereof, upon due. proof of title thereto ; and all other postal packets which cannot be delivered to the persons addressed or returned to the writer, shall be detained for one year and then be disposed of as the Postmaster-General may direct.

Rates and Payment of Postage on Postal Packets.

Rates on postal packets to be fixed by Proclamation.

37 The respective rates of postage and fees for registration chargeable on postal packets to be transmitted in or beyond this island shall be determined from time to time by Proclamation issued by the Governor, acting with the advice of the Executive Council, and published in the *Government Gazette.*

Postal and Telegraphic Communications.

38 The rates of postage and fees for registration now payable on such postal packets shall continue to be payable until altered in manner aforesaid.

Existing rates to continue until altered.

39 The respective rates of payment for deficiency of postage on postal packets posted in the island or abroad and deliverable in the island, which have not been sufficiently stamped or prepaid, shall be determined by Proclamation to be issued by the Governor, acting with the advice of the Executive Council. The rates now payable for such deficiency shall continue to be payable until altered in manner aforesaid.

Payments for deficiency of postage on postal packets.

40 The person to whom any postal packet, the full postage of which has not been prepaid, shall be tendered for delivery shall not be bound to pay the postage if he forthwith return the same unopened; but if he open the same, or do not forthwith return it unopened, he shall be bound to pay the postage due thereon.

Postage on unpaid or insufficiently prepaid postal packets refused by addressees.

Certificates of Posting of Unregistered Postal Packets.

41 Persons desirous of having a certificate of posting in respect of any postal packet for which a post office receipt is not given, may obtain such certificate under the following conditions:

Mode of obtaining certificate.

(*a*) The certificate of posting must be presented ready written in ink together with the packet to be posted, and both the certificate and the packet must be presented at the post office window on any day except Sunday at least half an hour before the hour fixed for closing the mail for which it is intended.

(*b*) The certificate must be an exact transcript of what is entered upon the address side of the packet to be posted, and must have a five-cent stamp affixed thereto.

(*c*) The postmaster will compare the address of the postal packet with the certificate, and, if it be correct, will obliterate the postage stamps and impress the date stamp upon the certificate. The certificate will be returned to the person who presented it.

Postage and Telegraph Stamps.

42 The Governor shall cause postage and telegraph stamps to be provided denoting such values as he may direct, and shall give such orders and make such regulations relative thereto as he may deem expedient.

How to be provided.

43 The Commissioner of Stamps shall cause a separate account to be kept of the stamp duties arising under this Ordinance, and shall pay the sums of money arising from the said stamp duties into the Public Treasury in like manner as other sums of money received by him on account of stamp duties.

Separate accounts to be kept of the stamp duties under this Ordinance.

Postage to be deemed stamp duties.

44 The rates or duties which shall be expressed or denoted by any postage or telegraph stamp shall be denominated and deemed stamp duties, and shall be under the care and management of the Commissioner of Stamps for the time being; and all the powers, provisions, clauses, regulations, directions, fines, forfeitures, pains, and penalties contained in or imposed by any Ordinance now in force or to be hereafter enacted shall (so far as the same may be applicable and may be consistent with the provisions of this Ordinance), in all cases not hereby expressly provided for, be of full force and effect with respect to the stamps to be provided under and by virtue of this Ordinance, and to the paper on which the same shall be impressed, or to which the same shall be affixed, and shall be observed, applied, enforced, and put in execution for the raising, levying, collecting, and securing of the rates or duties denoted thereby, and for preventing, detecting, and punishing all frauds, forgeries, or other offences relating thereto, as fully and effectually to all intents and purposes as if such powers, provisions, clauses, regulations, and directions, fines, forfeitures, pains, and penalties had been herein repeated and specially enacted with reference to the said last-mentioned stamps and rates or duties respectively.

Proviso.

Provided, however, that it shall not be necessary to cancel or initial any postage or telegraph stamps. Provided also that any person purchasing of the Commissioner of Stamps at one time postage stamps to the value of fifty rupees or upwards, shall be allowed a discount of five per cent. on the amount of such purchase; and that any person shall be allowed to sell postage stamps issued under the authority of this Ordinance.

When postal packets considered prepaid.

45 All postal packets having a proper postage stamp or proper postage stamps affixed thereto (such stamp or stamps in every case being affixed on the outside, and being equal in value to the rate or rates of postage to which such postal packets are liable under this Ordinance) shall, provided the stamp or stamps shall not have been used before, be considered as prepaid.

Franking Privilege.

Franking privilege to be determined by Governor and Executive Council.

46 Authority to frank postal packets may be conferred upon such officers of the public service, and limited in such manner, as the Governor, with the advice of the Executive Council, may at any time or from time to time appoint.

Until any new appointment shall be made under this section, the franking privilege shall continue as heretofore.

Offences and Penalties.

Opening or delaying letters.

47 Every person employed by or under the postal department who shall, contrary to his duty, open or procure or suffer to be opened a postal packet, or who shall wilfully detain or delay, or procure or suffer to be detained or delayed a postal packet, shall be guilty of an offence, and liable to a fine not exceeding two hundred rupees, or to rigorous or

simple imprisonment for any period not exceeding twelve months, or to both. Provided always that nothing herein contained shall extend to the detaining or delaying or opening by the Postmaster-General or other authorized officer of any postal packet, the detention, delaying, or opening of which is expressly allowed by this Ordinance.

Revealing contents of letters so opened made penal.

48 Any person revealing, disclosing, or in any way making known the contents of any postal packet opened and examined under the authority of this Ordinance, except so far as it may be necessary for the purpose of returning the same, or so far as may be authorized by the Postmaster-General in writing, shall be guilty of an offence, and on conviction thereof shall be liable to any fine not exceeding two hundred rupees, or to rigorous or simple imprisonment for any period not exceeding twelve months, or to both.

Fraudulent or wilful detention of letters.

49 Every person who shall fraudulently retain, or shall wilfully secrete, or keep, or detain, or, being required to deliver up by an officer of the postal department, shall neglect or refuse to deliver up any postal packet which ought to have been delivered to any other person, shall be guilty of an offence, and be liable on conviction thereof to any fine not exceeding one hundred rupees, or to rigorous or simple imprisonment for any period not exceeding six months, or to both.

Detention of post office messenger, &c.

50 It shall not be lawful for any person whomsoever to detain a post office messenger whilst carrying the mails, nor on any pretence to open any bag, case, or parcel in transit from one post office to another ; and any person so doing, whether he take any postal packet from such bag, case, or parcel or not, shall be guilty of an offence, and be liable on conviction thereof to any fine not exceeding fifty rupees.

Unlawfully wearing uniform.

51 Whoever, not being an employé of the postal department, wears any uniform prescribed by the Postmaster-General for employés of the postal department, or any uniform resembling any uniform so prescribed, with the intent that it may be believed that he is such an employé, shall be guilty of an offence, and liable to a fine not exceeding fifty rupees.

Neglect or delay of master of vessel carrying postal packets to deliver the same.

52 Any master or person in command of a British vessel arriving at any port or place in Ceylon, who shall fail to deliver to the postmaster, if any, of such port or place, within three hours of her arrival if in the daytime, and if at night within two hours after the next sunrise, all postal packets brought by such vessel and addressed to or destined for such port or place, shall be guilty of an offence, and liable to a fine not exceeding five hundred rupees.

Penalty on unlawful conveyance of postal packets.

53 No letter or letters shall be conveyed by any railway train, stage coach, conveyance, vehicle, or vessel regularly performing trips at stated periods, otherwise than as part of the mail, except such letter or letters relate to some part of the cargo of such vessel or to some article carried at the same time by such train, stage coach, conveyance, or vehicle,

unless the person conveying such letter or letters be expressly authorized in writing by the Postmaster-General to convey the same ; and every person who shall knowingly take part or be concerned in the conveying of any letter or letters contrary to the provisions of this section shall be guilty of an offence, and liable to a fine not exceeding two hundred rupees.

Desertion of mail.

54 Any person who shall have taken charge of the mail and shall voluntarily quit or desert the same before he has delivered it into the post office at the termination of the route, or to some other messenger or person employed in the postal department and authorized to receive the same, shall be guilty of an offence, and liable to a fine not exceeding two hundred and fifty rupees, or to rigorous or simple imprisonment for any term not exceeding twelve months, or to both.

Injuring or destroying postal packets.

55 Any person who shall wilfully injure, deface, or destroy any postal packet shall be guilty of an offence, and liable to a fine not exceeding five hundred rupees, or to rigorous or simple imprisonment for any term not exceeding twelve months, or to both.

Enclosing written matter in printed articles.

56 Any person who shall enclose or conceal any letter in a postal packet not charged with letter rates, or make any writing or memorandum thereon other than the address, and deposit or cause the same to be deposited for conveyance by mail at a less rate than letter postage, shall be guilty of an offence, and liable to a fine not exceeding fifty rupees.

Acting as a lottery agent.

57 Any person in the employment of the postal department who shall act as agent for any lottery office, or sell any lottery tickets, or knowingly forward any lottery scheme, circular, or ticket, free of postage, shall be guilty of an offence, and liable to a fine not exceeding fifty rupees.

Unlawful sale of postage stamps for more than their value.

58 Postage stamps shall not be sold for any larger sum than the value indicated on their face, nor stamped envelopes for more than is charged therefor by the postal department ; and any person employed in the postal service who shall sell any postage stamps or stamped envelopes contrary to the provisions of this section, shall be guilty of an offence, and liable to a fine not exceeding fifty rupees.

Unlawful removal of postage stamps from letters, &c.

59 Any person in the employment of the postal department who shall wilfully and unlawfully remove from any postal packet any postage stamp affixed thereto in payment of postage shall be guilty of an offence, and liable to a fine not exceeding fifty rupees, or to rigorous or simple imprisonment for a term not exceeding three months, or to both.

Penalty for detaining mail coach or cart, or any act whereby their safety and that of mails and

60 It shall not be lawful for any person whomsoever to detain a mail coach or cart while carrying mails, or to do any act whereby such coach or cart carrying mails may be likely to be detained, or whereby the safety of such coach or cart carrying mails or of the mails or passengers carried thereby

may be endangered ; and every person so doing shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding five hundred rupees.

passengers may be endangered.

61 Any person who shall post any post card having thereon, or any other postal packet having on the outside or cover thereof, any words, marks, or designs of an indecent, obscene, libellous, or grossly offensive character, shall be guilty of an offence, and liable to a fine not exceeding two hundred rupees.

Posting improper postal packets.

62 In every case where an offence shall be committed in respect of a mail bag or postal packet, or of any money, valuable security, or other article sent by post, the property of the mail bag or postal packet, money, valuable security, or other article shall be laid, when necessary to be laid at all, in Her Majesty, and it shall not be necessary in any information or complaint to allege or to prove upon the trial or otherwise that such mail bag, or any such postal packet or valuable security was of any value ; and in any information or complaint to be preferred against any person employed in the postal department for any offence committed against this Ordinance, it shall be sufficient to state and allege that such offender was employed in the postal department at the time of the committing of such offence, without stating further the nature or particulars of his employment.

Property to be laid in Her Majesty.

63 Whenever any person shall be guilty of an offence against this Ordinance, the punishment of which shall be a fine not exceeding two hundred rupees, it shall be lawful for the Postmaster-General to accept payment, on behalf of Her Majesty, from such offender of such a sum of money as may to the Postmaster-General seem fit, not exceeding the highest amount of fine to which such offender would have been liable on conviction, and no person having made such payment shall thereafter be triable for the same offence.

When offender may pay amount of fine into court.

64 Any letter-carrier employed to deliver a postal packet who shall not deliver the same shall be bound, within a reasonable time not exceeding twenty-four hours, to report the fact at the post office where he received such postal packet, and to return the same ; and if any such letter-carrier shall fail to make such report, or to return such postal packet, or shall wilfully make a false report, he shall be guilty of an offence, and be liable to rigorous or simple imprisonment for any term not exceeding three months, or to a fine not exceeding fifty rupees, or to both.

Letter-carrier to report non-delivery of postal packet.

65 Whoever abets or conceals any offence made punishable under this Ordinance shall be punished with the punishment provided for the offence which he so abets or conceals.

Penalty for abetting or concealing offences under this Ordinance.

66 It shall be lawful for the court before which an offender is convicted to direct any share, not exceeding one-half, of any fine imposed under this Ordinance, and actually recovered, to be awarded to the informer.

Informer's share of fine.

Miscellaneous.

Governor and Executive Council may make rules regulating hours for posting postal packets, &c.

67 It shall be lawful for the Governor from time to time, with the advice of the Executive Council, to make such rules as shall appear expedient for the transmission of all official postal packets, and for the sale in the several post offices of postage stamps, and for establishing and regulating the business of transmitting moneys by money orders and postal orders, and for establishing and regulating a system of value-payable parcels and of insurance for valuable postal packets and the rates payable in respect thereof, and for establishing and regulating any other business which the Governor, with the advice of the Executive Council, may authorize the postal department to undertake, and the rates and charges recoverable thereon, and for regulating the hours during which the several post offices in this colony shall be kept open for any of the purposes of this Ordinance, and to direct that any or all of such post offices shall be open for the reception of postal packets out of such regular hours, upon payment for every such postal packet so posted out of the regular hours of such extra charge as to the said Governor, with the advice aforesaid, shall from time to time appear expedient. Provided that such rules shall not be inconsistent with the provisions of this Ordinance, and shall be published in the *Government Gazette.*

Postage duties debts to Her Majesty.

68 All duties of postage payable by virtue of this Ordinance shall be deemed and taken to be debts due to Her Majesty, and may be sued and recovered in such and the same manner and form as any other debt of the like amount due to Her Majesty; and it shall be lawful for the Postmaster-General or any of his deputies or assistants, or for any person authorized in that behalf by writing under the hand of the Postmaster-General or any of his deputies or assistants, to appear and represent Her Majesty in any suit or other proceeding which shall be instituted in any court of requests for the recovery of any debt which shall become due under the provisions of this Ordinance.

Government not responsible for loss or damage.

69 The Government shall not be responsible for any loss or damage which may occur in respect of any postal packet entrusted to the postal department for conveyance, whether such postal packet is registered or not, unless such postal packet shall have been duly insured with the Postmaster-General, and then only to the amount so insured; and no person employed by Government or the postal department shall be responsible for any such loss or damage unless that person shall cause such loss or damage negligently, maliciously, or fraudulently. Provided that it shall be lawful for the Governor, by warrant in the usual manner, to direct the payment out of the Public Treasury of the amount of any indemnity for which the colony may be liable under article six, clause four, of "The Postal Union Convention," and it shall be the duty of the Treasurer to pay the amount upon such warrant to the person entitled to the same.

Post office employé when responsible.

Power to compel senders to pay postage of packets which addressee refuses to accept, or where addressee cannot be found.

70 In all cases in which the proper postage of any unstamped postal packet has not been paid by the sender thereof, and such postal packet has been refused by the addressee, or the addressee be dead or cannot be found, it shall be lawful for the Postmaster-General to charge double the postage due in respect of such unstamped postal packet to the sender thereof, and in every such case the sender of such unstamped postal packet shall pay such double postage.

Post office stamps to be evidence of postal packets being refused or rejected.

71 Upon any trial or hearing of any action or proceeding for the recovery of any postage under this Ordinance, the production of any postal packet in respect of which such postage shall be sought to be recovered having thereupon a post office stamp denoting that such postal packet had been refused or rejected, or that the party to whom any such postal packet had been addressed was dead or could not be found, shall be *primâ facie* evidence of the refusal or rejection of such postal packet, or that such person was dead or could not be found, according to the import and meaning of the said post office stamp thereon.

In suit for postage the apparent writer to be deemed the sender.

72 In any suit or other proceeding for the recovery of any postage payable under or by virtue of this Ordinance, the person from whom any postal packet in respect of which any postage shall be sought to be recovered shall purport to have come, shall be deemed to be the sender thereof, and the onus shall lie upon the party proceeded against to prove that such postal packet did not come from and was not sent by him.

Official mark of any sum on postal packet to be evidence of liability of packet to the sum so marked.

73 The official mark of any sum on any postal packet as due to the post office in respect of that packet shall be received as evidence of the liability of such packet to the sum so marked, and such sum shall be recoverable as postage due to Her Majesty in the manner prescribed by section 68.

Extra rate to be charged on packets posted after closing of mail.

74 Whenever a postal packet is tendered at any post office after the hour fixed for the closing of any particular mail, but before the actual despatch of such mail, and the sender desires such postal packet to be forwarded by such mail, it shall be lawful for the postmaster in charge of such office, after stamping on such postal packet the words "Too late," to charge in addition to the ordinary rate of postage an extra rate, which rate shall be as follows in respect of the postal packets herein enumerated:

		Cents.
Inland letters, an additional rate of	...	5
India letters ...	...	5
Foreign	...	15

Issue of postal orders by officers of the Crown.

75 The Postmaster-General may, if the post office rules so provide, authorize any person holding office under the Crown in this colony to issue money orders or postal orders under the provisions of this Ordinance; and a person so authorized shall be deemed, for the purpose of the issue and payment of such money or postal orders, to be an officer of the postal department.

Postal Orders.

Postmaster-General to authorize the issuing of postal orders in form in schedule.

76 Subject to the post office rules as defined by this Ordinance, the Postmaster-General may, for the purpose of the transmission of small sums through the post office, authorize his officers or any of them to issue, in addition to money orders, postal orders substantially in the form set forth in schedule II. to this Ordinance, and such orders shall be paid in the manner and subject to the conditions prescribed by the said rules, and shall be deemed to be money orders within the meaning of the said rules, and shall, like other money orders, be exempt from stamp duty: Provided that—

Amount of, and commission on, postal orders.

(1) Any postal order shall be for the prescribed amount not exceeding ten rupees, and there shall be taken in respect thereof, for the use of our Sovereign Lady the Queen, the prescribed commission not exceeding ten cents;

When to be issued.

(2) Any postal order shall not be issued until the amount of the order and the commission have been paid to the officer issuing the same;

Time of payment subject to conditions.

(3) After the expiration of three months from the last day of the month in which any postal order is issued by the post office, the order shall be payable only on payment in the prescribed manner of a second commission equal to the amount of the original commission, with the addition (if more than three months have elapsed since the said expiration) of the amount of the original commission for every further period of three months which has so elapsed, and for every portion of any such period of three months over and above every complete period.

No interest allowed.

77 No interest shall be payable in respect of a postal order issued under this Ordinance.

A postal order to be deemed a "document" and "valuable security."

78 A postal order under this Ordinance shall be deemed to be a "document" and also a "valuable security," within the meaning of the Ceylon Penal Code.

Forgery of crossing of postal orders.

79 Any person who, with intent to defraud, obliterates, adds to, or alters any such lines or words on a postal order issued under this Ordinance, as would in the case of a cheque be a crossing of that cheque, or knowingly offers, utters, or disposes of any postal order with such fraudulent obliteration, addition, or alteration, shall be guilty of an offence, and be liable to the like punishment provided for forgery under the 454th section of the Ceylon Penal Code: Provided always that any banker or corporation acting as bankers in this colony who, in collecting in such capacity for any principal, shall have received payment, or been allowed by the Postmaster-General on account in respect of any postal order issued under this Ordinance, or of any document purporting to be such postal order, shall not incur liability to any one except such principal by reason of having received such payment or allowance, or having held or presented such

postal order or document for payment; but this section shall not relieve any principal for whom such postal order or document shall have been so held or presented of any liability in respect of his possession of the same or of the proceeds thereof.

Penalty for postal officer re-issuing a paid postal order.

80 An officer of the postal department who re-issues a postal order previously liquidated shall be deemed to have issued such order with intent to defraud, and shall be punished with simple or rigorous imprisonment for a term which may extend to two years, or with fine, or with both.

Savings Banks.

Governor may establish and discontinue postal savings banks by Proclamation in *Government Gazette.*

81 It shall be lawful for the Governor, by Proclamation to that effect to be published in the *Government Gazette*, to establish savings banks in connection with the General Post Office and all or any of the branches or stations thereof, and for that purpose to authorize and direct the Postmaster-General and such of his officers as the Governor may think fit, to receive deposits and to repay the same under such rules and regulations as shall be made under section 83 of this Ordinance. All savings banks heretofore established shall be deemed to be established under the provisions of this Ordinance. And it shall be lawful for the Governor, by like Proclamation, to discontinue any savings bank established under this or any repealed Ordinance.

Funds how to be laid out.

82 The several sums which shall have been or shall from time to time be deposited in the said savings banks shall be invested at interest in securities of the Government of the United Kingdom of Great Britain and Ireland, or of the Government of India, or of this island, or of such other British colony as may be approved of by the Governor, acting with the advice of the Executive Council, and all sums so invested and the securities thereof may be called up, sold, or otherwise disposed of, from time to time, under such rules as shall be made under section 83 of this Ordinance.

Governor and Executive Council may make rules for general management

83 The Governor may, with the advice and consent of the Executive Council, from time to time make rules and regulations touching the limit of deposits, the rate of interest to be allowed thereon, the sale or disposal of securities or investments, the deposits of minors and trustees, and the mode of payment thereof, and for all matters relating to general management of such savings banks, and such rules and regulations from time to time to add to, amend, alter, and repeal. All such rules and regulations when made, added to, amended, altered, or repealed shall be published in the *Government Gazette*, and upon the publication of such rules as shall be made, added to, amended, or altered, they shall be as legal, valid, and effectual as if the same had been enacted herein. Provided always that such rules and regulations shall not be repugnant to or inconsistent with the provisions of this Ordinance.

Deposit in name of married woman to be her separate property. Not to be in fraud of husband's creditors.

84 Any deposit made in the name of a married woman, or in the name of a woman who may marry after such deposit, shall be deemed to be the separate property of such woman, and the same shall be accounted for and paid to her as if she were an unmarried woman. Provided that nothing herein contained in reference to such deposits shall, as against creditors of the husband, give validity to any deposit of moneys of the husband made in fraud of such creditors, and any moneys so deposited may be followed as if this Ordinance had not passed.

Payments on death of depositors.

85 In case any depositor in the funds of any savings bank established under this Ordinance shall die leaving a sum of money in the said fund, it shall be lawful for the person or persons authorized to make payments by the rules and regulations hereinbefore provided for, and they are hereby authorized and permitted, in case he or they shall be satisfied that no will was made or left by such deceased depositor, and that no letters of administration are required by law to be taken out, to pay the same at any time after the decease of such depositor, according to the rules and regulations of the said savings bank; and in the event of there being no rules and regulations made in that behalf, then such person or persons aforesaid are hereby authorized and permitted to pay and divide the same to and amongst the person or persons who appear to be entitled to the effects of the deceased intestate according to law.

Payment to persons appearing to be next of kin declared valid.

86 Whenever any sum of money shall have been paid and divided to or amongst any person or persons who shall at the time of such payment appear to be entitled to the effects of any deceased intestate depositor according to the rules and regulations of any such savings bank, or according to law, the payment of any such sum or sums of money shall be valid and effectual with respect to any demand of any other person or persons as next of kin of such deceased intestate depositor, or as the lawful representative or representatives of such depositor, against the funds of such savings bank, or against the Government of this colony, or against the person or persons authorized to make such payments; but, nevertheless, such next of kin or representative shall have remedy for such money so paid as aforesaid against the person or persons who shall have received the same.

Remedy of person entitled against persons receiving the money.

Electric Telegraph.

Power to enter on lands, put up posts, &c., cut down trees, and do other acts necessary for the construction of the electric telegraph.

87 It shall be lawful for any officer in the employ of the Government in the postal department, and for the servants, workmen, and labourers employed by or under such officer, at all times, and with all necessary carriages and animals and other means, to enter upon all or any lands, and to put up thereon any posts which may be required for the support of any electric telegraph wire; and to fasten or attach to any tree growing on such land any bracket or other support for such wire; and to cut down any tree or branch which

may in any way injure, impede, or interfere with any line of electric telegraph; and also severally to do and perform all other acts, matters, and things necessary for the purposes of establishing, constructing, repairing, or improving any electric telegraph, or in any way connected therewith, or for performing any act, matter, or thing under the provisions of this Ordinance.

Compensation for injury to property.

88 Every person who shall sustain any loss or damage by reason of the exercise of the power conferred by the preceding section upon the parties therein specified shall be entitled to receive from the Government a reasonable compensation for the same. Provided that he shall make application in that behalf to the Postmaster-General within thirty days after the loss or damage was sustained.

Proviso.

Government may establish telegraph on land of railway company without giving any compensation.

89 Any railway company, on being required so to do by the Governor, with the advice of the Executive Council, shall permit the Government to establish upon the land of such company adjoining the line of railway a line of electric telegraph, and shall give every reasonable facility for establishing, using, and repairing the same. And such company shall not be entitled to demand any compensation for or by reason thereof.

Governor to establish rules for the conduct of Government telegraphs.

90 The Governor may, from time to time, with the advice of the Executive Council, frame and establish rules for the conduct of electric telegraphs established by Government, not inconsistent with this Ordinance; and thereby prescribe the regulations, charges, conditions, rates, and restrictions according to which all messages and signals shall be transmitted. And all such rules shall be published in the next *Government Gazette* after the same have been established.

Government not responsible for loss or damage.

91 The Government shall not be responsible for any loss or damage which may occur in consequence of any person employed by the Government in the postal department failing to transmit, or to transmit with accuracy, any message entrusted to him for transmission; and no such person shall be responsible for any such loss or damage, unless he shall cause the same negligently, maliciously, or fraudulently.

SCHEDULE I.

Ordinance No. 2 of 1857.	Ordinance No. 5 of 1882.
Ordinance No. 2 of 1878.	Ordinance No. 40 of 1884.
Ordinance No. 2 of 1880.	Ordinance No. 21 of 1885.

SCHEDULE II.

COMMISSION

CENTS

POSTAL ORDER

FOR

____* RUPEE.

*Rs.**

To the POSTMASTER in charge of the MONEY ORDER OFFICE at † _____

PAY to † _____ *at any time within Three Calendar Months from the last day of the Month of issue the sum of* ____* RUPEE *on Account of the Postmaster-General.*

POSTMASTER.

† The person to whom this Order is issued must, before parting with it, fill in the name of the person to whom the Amount is to be paid, and may fill in the name of the Money Order Office at which the Amount is to be paid. Except when the Order is paid through a Banker, the person so named must SIGN THE RECEIPT at the foot hereof, and must also fill in the name of the Money Order Office if that has not already been done.

Paying Office Stamp with Date cancelling this.

1. If this Order be crossed "_____ & Co." payment will only be made through a Banker, and if the name of the Banker is added payment will only be made through that Banker. 2. After this Order has once been paid,—to whomsoever it is paid,—the Postmaster-General will not be liable to any further claim. 3. If any erasure or alteration be made, or if this Order be cut, defaced, or mutilated, payment may be refused. 4. The Regulations under which this Order is issued allow the Postmaster to refuse or delay the payment of this Order, but he must at once report his reasons for so doing to the Postmaster-General.

5. After the expiration of *three months* from the last day of the month of issue this Order will be payable only on payment of a commission equal to the amount of the original poundage, with the addition (if more than three months have elapsed since the said expiration) of the amount of the original poundage for every further period of three months which has so elapsed, and for every portion of any such period of three months over and above every complete period.

Issuing Office Stamp with Date.

RECEIVED the above-named sum.

Signature.

* Alter according to amount.

2nd November, 1892.

No. 14 of 1892.

An Ordinance to amend "The Merchandise Marks Ordinance, 1888."

(*See No. 13 of 1888.*)

Preamble.

WHEREAS it is expedient to amend "The Merchandise Marks Ordinance, 1888," hereinafter referred to as "the principal Ordinance:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Amendment of Ordinance No. 13 of 1888.

1 After sub-section (2) of section 3 of the principal Ordinance, and before sub-section (3) of the same section, the following sub-section shall be inserted and numbered (2*a*), namely:

Section 3, as to offences as to trade marks and trade descriptions.

Every person who imports any piece-goods ordinarily sold by length or by the piece, manufactured beyond the limits of the colony, or who sells, or exposes for, or has in his possession for, sale, or any purpose of trade, any piece-goods ordinarily sold as aforesaid, whether manufactured within or beyond the limits of the colony, which have not conspicuously stamped in English numerals on each piece the length thereof in standard yards, or in standard yards and a fraction of such a yard, according to the real length of the piece, shall be guilty of an offence against this Ordinance.

Provided always that nothing in this sub-section contained shall apply to any piece-goods manufactured within the limits of the colony by hand labour only.

Section 15, as to prohibition in importation.

2 In the twelfth line of sub-section (1) of section 15 of the principal Ordinance, after the words "or produced" and before the words "are hereby prohibited" shall be inserted the words "and also all piece-goods such as are ordinarily sold by the length or by the piece, which have not conspicuously stamped in English numerals on each piece the length thereof in standard yards, or in standard yards and a fraction of such a yard, according to the real length of the piece."

Short title.

3 This Ordinance shall come into operation from and after such date as the Governor shall appoint by Proclamation published in the *Government Gazette*,* and may be cited as "The Merchandise Marks Ordinance, 1892," and this Ordinance and the principal Ordinance may be cited collectively as "The Merchandise Marks Ordinances, 1888 and 1892."

2nd November, 1892.

* Proclaimed as from and after the 1st day of July, 1893.

No. 16 of 1892.

An Ordinance to consolidate and amend the Law relating to the granting of Exclusive Privileges to Inventors.

Preamble.

WHEREAS it is expedient to amend the law relating to the granting of exclusive privileges to inventors: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:

Title and commencement.

1 This Ordinance may be cited as "The Inventions Ordinance, 1892," and shall come into force on the first day of July, 1893.

Repeal.

2 (1) The Ordinances described in the first schedule are hereby repealed to the extent specified in the third column thereof.

(2) But this repeal of Ordinances shall not affect any exclusive privilege acquired, or any conditions or restrictions imposed with respect to any privilege, or any right or liability accrued or incurred under any of those Ordinances before the commencement of this Ordinance, or any relief in respect of any such privilege, right, or liability.

(3) Any Ordinance or document referring to any Ordinance hereby repealed shall be construed to refer to this Ordinance or the corresponding portion thereof.

Definitions.

3 In this Ordinance, unless there is something repugnant in the subject or context,—

(1) "Invention" includes an improvement;

(2) "Inventor" does not include the importer into Ceylon of a new invention unless he is the actual inventor;

(3) "Petitioner" means a person who has petitioned under this Ordinance for leave to file a specification of an invention, whether he has filed the specification or not;

(4) "Assign" includes a grantee of the exclusive privilege of making, selling, or using an invention, or of authorizing others so to do, during the term for which the privilege is to continue or may be extended, or for any shorter term;

(5) "Inventor," "actual inventor," and "petitioner" include the executors, administrators, or assigns of an inventor, actual inventor, and petitioner, as the case may be;

(6) "Manufacture" includes any art, process, or manner of producing, preparing, or making an article, and also any article prepared or produced by manufacture;

(7) "Write" includes print, lithograph, photograph, engrave and every other mode in which words or figures can be expressed on paper or on any substance;

(8) "Colonial Secretary" means any person acting as and for the Colonial Secretary, and includes any assistant to the Colonial Secretary to the extent to which he may be authorized by general or special order of the Governor to discharge the functions of the Colonial Secretary under this Ordinance.

Petition for leave to file specification.

4 (1) The inventor of a new manufacture or two or more persons, some or one of whom only are or is the true and first inventors or inventor of a new manufacture, may petition the Governor for leave to file a specification thereof.

(2) Any person, whether a British subject or not, may petition for such leave.

(3) The petition must be in writing signed by the petitioner or petitioners, or, in case the petitioner or petitioners shall be absent from Ceylon, by an agent authorized thereto on his or their behalf, and in the form A in the second schedule, or in such other form as may be from time to time prescribed, if the inventor or inventors has or have not obtained a patent in the United Kingdom, and in the form B in the said schedule, or in such other form as may be from time to time prescribed, if he or they has or have obtained a patent in the United Kingdom.

(4) The petition must contain a declaration to the effect that the petitioner is in possession of an invention, whereof he, or in the case of a joint petition one or more of the petitioners, claims or claim to be the true and first inventor or inventors, and for which he or they desires or desire to obtain leave to file a specification; and it must state the name, occupation, and address of the petitioner or petitioners, and, where a patent has been obtained in the United Kingdom, the date of the patent and the date of the actual sealing thereof, and must describe with reasonable precision and detail the nature of the invention and of the particular novelty whereof it consists, and be supplemented by such further particulars relating to the invention, and by such drawings or photographs illustrative thereof, as the Governor in Executive Council may see fit to require from the petitioner or petitioners.

(5) If in any case it appears to the Governor in Executive Council that a petition ought to be further supplemented by a model of anything alleged to constitute an invention, he may require the petitioner or petitioners to furnish such a model neatly and substantially made of durable material, and of dimensions not exceeding those, if any, specified in the requisition therefor.

Order to file specification.

5 (1) Upon a petition under the last foregoing section the Governor in Executive Council may, after such inquiry as he thinks fit, make an order authorizing the petitioner or petitioners to file a specification of the invention.

(2) Before making an order under sub-section (1), the Governor in Executive Council shall direct that the petition be referred for inquiry and report to any person whom he thinks fit.

(3) Before such petition is so referred, the petitioner or petitioners shall deposit with the Colonial Secretary, within such time as the Governor in Executive Council may by rule or otherwise prescribe, such sum to defray the fee to be paid to the referee as the Governor in Executive Council may determine.

(4) If the sum is not deposited within the time prescribed, the petition may be rejected.

(5) If the person to whom the petition is referred reports that the nature of the invention and of the particular novelty whereof it consists is not sufficiently described, or that it has not been supplemented by such particulars relating to the invention, or by such drawings or photographs as the Governor in Executive Council may have required, the Governor in Executive Council may require that the petition may be amended or further supplemented before the petition is proceeded with.

Application in respect of contemporaneous inventions.

6 (1) If two or more petitions are made on the same day for leave to file specifications of inventions which appear to the Governor in Executive Council to be identical, or so similar as to be practically identical, the Governor in Executive Council may in his discretion authorize both or all the petitioners, subject to the other provisions of this Ordinance, to file specifications of their respective inventions.

(2) If they petition on different days for leave to file specifications of such inventions as aforesaid, the petitioner or petitioners who applied on the first of the different days shall be deemed to have a preferential claim to an order authorizing the filing of his or their specifications.

Acquisition and continuance of exclusive privilege.

7 (1) If within six months from the date of an order under section 5, sub-section (1), or within such further time, not exceeding three months, as the Governor in Executive Council in his discretion may, on cause shown to his satisfaction, and on payment of the fee prescribed in that behalf in the fourth schedule, see fit to allow, the petitioner or petitioners causes or cause a specification of his or their invention to be filed in manner by this Ordinance required, and the fee prescribed in the fourth schedule in respect of the filing of the specification to be paid, the petitioner or petitioners shall, subject to the other provisions of this Ordinance, be entitled to a grant, to be issued by the Governor under the public seal of the colony, in the form set forth in the third schedule, or in such other form as may be from

time to time prescribed, of the exclusive privilege of making, selling, and using the invention in Ceylon, and of authorizing others so to do, for a term of fourteen years from the date of delivery to, or receipt by, the Colonial Secretary of the petition.

(2) But an exclusive privilege in respect of an invention of a new manufacture shall, notwithstanding anything in sub-section (1), cease if the inventor or inventors fails or fail to pay within the time limited in that behalf by the fourth schedule any fee prescribed in that schedule in respect of the continuance of the privilege.

(3) If, nevertheless, in any case, by accident, mistake, or inadvertence, the inventor or inventors fails or fail to pay any such fee within the time so limited, he or they may apply to the Governor in Executive Council for an enlargement of the time for making the payment.

(4) Thereupon the Governor in Executive Council may enlarge the time accordingly on payment of the fee prescribed in that behalf in the fourth schedule, and subject to the following conditions, namely :

(*a*) The time for making a payment shall not in any case be enlarged for more than three months ; and

(*b*) If any action is instituted in respect of an infringement of the exclusive privilege committed after a failure to make a payment within the time limited for the making thereof, and before the enlargement of that time, the court disposing of the action may, if it thinks fit, refuse to award or give any damages in respect of the infringement.

Form and contents of specification.

8 (1) A specification filed under this Ordinance must be in writing signed by the petitioner or petitioners, must commence with the title, and must set forth the precise invention in respect of which the petitioner or petitioners claims or claim to become entitled to an exclusive privilege.

(2) If the specification is of an invention which is an improvement only, it must by explicit language distinguish between what is old and what is claimed to be new.

(3) Every specification must explain the principle of the invention set forth therein, and the best and latest mode in which the petitioner or petitioners has or have contemplated applying that principle, and must describe the manner of making and using the invention in such full, clear, concise, and exact terms as to enable any person of ordinary skill in the art or science to which the invention appertains, or with which it is most closely connected, to make or use the same.

(4) Every specification must end with a distinct statement of the invention claimed.

Mode of filing petition and specification.

9 Every petition for leave to file a specification, and every specification filed under this Ordinance, must be left with, or sent by post to, the Colonial Secretary, and the date of the delivery or receipt thereof shall be endorsed thereon and recorded in his office.

Register of inventions.

10 (1) A book, to be called "The Register of Inventions," shall be kept in the office of the Colonial Secretary, wherein shall be entered and recorded every petition for leave to file a specification, every order made on such petition, every specification filed in pursuance thereof, and every subsequent proceeding relating to the invention described therein, except the report of the referee.

(2) Petitions for leave to file a specification shall be numbered consecutively in the order in which they are delivered or received, and be dated as of the day of their delivery or receipt, and shall be entered in the register of inventions in the order of their respective numbers.

(3) A reference shall be made in that register, in the margin of the entry of each petition, to every order on or in respect of the petition, to the specification, if any, filed in pursuance thereof, and to every subsequent proceeding relating to the invention which forms the subject of the petition.

Address book.

11 (1) Another book, to be called "The Address Book," shall be kept in the office of the Colonial Secretary, wherein any person or persons filing a specification under this Ordinance, or any person or persons in whom an exclusive privilege acquired under this Ordinance, or any share or interest therein, may become vested, may from time to time cause to be stated some place in the colony where notice of any rule or proceeding relative to the exclusive privilege may be served on him or them.

(2) A reference to each entry in the address book shall be made in the register of inventions in the margin of the entry in that register of the petition for leave to file the specification.

Provisions with respect to the register and book.

12 (1) Every entry in the register of inventions or address book, and every document entered and recorded in the register, shall, for the purposes of the law of evidence for the time being in force, be deemed to be a public document, and shall be open to the inspection of any person at all reasonable times in the office of the Colonial Secretary. Provided that the report of the referee shall not in any case be published or open to public inspection, and shall not be liable to production or inspection in any legal proceeding, unless the court having power to order discovery in such legal proceeding shall certify that such production or inspection is desirable in the interests of justice and ought to be allowed.

(2) The books kept under section 13 and section 32 of "The Inventions Ordinance, 1859," shall be deemed to be parts of the register of inventions and address book respectively.

Extension of exclusive privilege.

13 (1) The petitioner or petitioners to whom an exclusive privilege has been granted under section 7 of this Ordinance may, at any time not more than one year and not less than six months before the time limited for the expiration of an exclusive privilege under the said section, petition the Governor in Executive Council for an extension of the privilege for a further term.

(2) When a petition is made under sub-section (1), the Governor in Executive Council may, if he thinks fit, refer it to the district court of Colombo for report.

(3) Such court shall, in making its report, have regard to the nature and merits of the invention in relation to the public, to the profits made thereby, and to all the circumstances of the case.

(4) The procedure on the reference shall be such as the court thinks fit, and may include the issuing of citations calling upon persons claiming to have any interest in the reference to appear before the court on the day in which the reference is to be considered, or on any day to which the consideration thereof may be adjourned, and make with respect thereto any representations which they may see fit in relation to any of the matters to which the court is required by the last foregoing sub-section to have regard in making its report.

(5) If the Governor in Executive Council is of opinion, or, where a reference under sub-section (2), if the court reports that the petitioner or petitioners has or have been inadequately remunerated by his or their exclusive privilege, the Governor in Executive Council may, on payment of the fee prescribed in that behalf in the fourth schedule, make an order extending the term of the privilege for a further term not exceeding seven, or, in exceptional cases, fourteen years from the expiration of the first term of fourteen years.

(6) But an exclusive privilege of which the term has been extended under the last foregoing sub-section shall, notwithstanding anything in that sub-section, cease if the petitioner or petitioners fails or fail to pay before the expiration of each year of such extended term the fee prescribed in the schedule aforesaid in respect of the continuance of the privilege.

Imposition of conditions with respect to exclusive privileges.

14 An order under section 5, sub-section (1), authorizing the filing of a specification, or under section 13, sub-section (5), extending the term of an exclusive privilege, may be made subject to such conditions as the Governor in Executive Council thinks expedient.

Exclusive privilege to bind Crown.

15 (1) An exclusive privilege under this Ordinance shall have to all intents the like effect as against Her Majesty the Queen, her heirs and successors, as it has against a subject.

(2) But the officers or authorities administering any department of the service of Her Majesty may, by themselves, their agents, contractors, or others, at any time after the delivery of the receipt of the petition for leave to file the specification of an invention, use the invention for the services of the Government on terms to be before or after the use thereof agreed on, with the approval of the Governor in Executive Council, between those officers or authorities and the inventor or inventors, or, in default of such agreement, on such terms as may be settled by the Governor in Executive Council.

Petition for leave to file memorandum or amended specification.

16 (1) If after the filing of the specification the petitioner or petitioners has or have reason to believe that through mistake or inadvertence he or they has or have erroneously made any mis-statement in his or their petition or specification, or included therein something which at the date of the delivery or receipt of the petition was not new, or whereof he or some or one of them was not the inventor, or that the specification is in any particular defective or insufficient, he or they may petition the Governor in Executive Council for leave to file a memorandum pointing out the mis-statement, or disclaiming any part of the alleged invention, or for leave to file an amended specification, as the case may be.

(2) The petition must be in writing signed by the petitioner or petitioners, and must state how the error, defect, or insufficiency occurred, and that it was not fraudulently intended.

(3) Upon the petition the Governor in Executive Council may make an order allowing the memorandum or amended specification to be filed.

(4) No amendment shall be allowed that would make the specification, as amended, claim an invention substantially larger than or substantially different from the invention claimed by the specification as it stood before amendment.

(5) The provisions of section 5 with respect to petitions, and of section 8 with respect to specifications, shall apply, so far as they can be made applicable, to petitions and to amended specifications, respectively, made and filed under this section.

Effect of amended specification.

17 An amended specification filed under the last foregoing section shall, except as to any action or proceeding relating to the exclusive privilege which may be pending at the time of the filing of the amended specification, have the same effect as if it had been the specification first filed: Provided that nothing in an amended specification shall be construed to extend or enlarge an exclusive privilege before acquired.

Bar to exclusive privilege in certain cases.

18 A person shall not be entitled to an exclusive privilege under this Ordinance—

(*a*) If the invention is of no utility; or

(*b*) If the invention at the date of the delivery, or receipt of the petition for leave to file the specification thereof, was not a new invention within the meaning of this Ordinance ; or

(*c*) If the petitioner or some one or more of the petitioners is or are not the inventor or inventors thereof ; or

(*d*) If the original or any amended specification does not fulfil the requirements of this Ordinance ; or

(*e*) If the original or any subsequent petition relating to the invention or the original or any amended specification contains a wilful or fraudulent misstatement ; or

(*f*) If the petition for leave to file the specification of the invention was made under this Ordinance after the expiration of one year from the date of the acquisition of an exclusive privilege in respect of the invention in any place beyond the limits of the colony and the United Kingdom.

Novelty of invention dependent on public use or knowledge thereof before petition to file specification.

19 An invention shall be deemed a new invention within the meaning of this Ordinance if it has not before the date of the delivery or receipt of the petition for leave to file the specification thereof been publicly used in any part of the colony or of the United Kingdom, or been made publicly known in any part of the colony or of the United Kingdom by means of a written publication.

Effect of public use or knowledge of invention in fraud of inventor.

20 The public use or knowledge of an invention before the date of the delivery or receipt of the petition for leave to file a specification thereof shall not be deemed a public use or knowledge within the meaning of this Ordinance if the knowledge has been obtained surreptitiously or in fraud of the inventor or inventors, or has been communicated to the public in fraud of the inventor or inventors or in breach of confidence : Provided that the inventor or inventors has or have not acquiesced in the public use of his or their invention, and that, within six months of that use, he or they petitions or petition for leave to file a specification.

Effect of temporary use of invention in public by inventor or inventors or by his or their leave.

21 Use of an invention in public by the inventor or inventors thereof, or by his or their servant or agent, or by any other person by his or their license in writing, for a period not exceeding one year immediately preceding the date of the delivery or receipt of his or their petition for leave to file a specification thereof, or knowledge of the invention resulting from such use thereof in public, shall not be deemed a public use or knowledge within the meaning of this Ordinance.

Effect of public use or knowledge of patented invention between application for the patent and

22 If the inventor or inventors who has or have obtained a patent for his or their invention in the United Kingdom causes or cause a petition for leave to file a specification of the invention under this Ordinance to be delivered or received by the Colonial Secretary within twelve months from the date of actual sealing of the patent, the invention

petition to file specification.

shall be deemed a new invention within the meaning of this Ordinance, if it was not publicly used or known in the colony at or before the date of the application for the patent, notwithstanding that it may have been publicly used or known in the colony or in some part of the United Kingdom before the date of the delivery or receipt of the petition under this Ordinance for leave to file the specification.

Effect of like public use or knowledge of unpatented invention.

23 If the inventor or inventors petitions or petition for leave to file a specification under this Ordinance while his or their application for a patent is pending in the United Kingdom, and the interval between the date of his or their application for the patent and the date of the delivery or receipt of his or their petition under this Ordinance does not exceed twelve months, the invention shall not be deemed to have been publicly used, or made publicly known, within the meaning of this Ordinance, by reason only of the invention having been used, or a description thereof having been published, in the colony or in any part of the United Kingdom during the interval.

Effect of public use or knowledge of invention after admission to an exhibition.

24 If an inventor, being the exhibitor of his invention at an industrial or international exhibition, certified as such by the Governor, causes a petition for leave to file a specification of the invention to be delivered to or received by the Colonial Secretary within six months from the date of the admission of the invention into that exhibition, the invention shall not be deemed to have been publicly used, or made publicly known, within the meaning of this Ordinance, by reason only of the invention having at any time after its admission into the exhibition been publicly used or made publicly known.

Cessation of exclusive privilege by order of the Governor.

25 (1) An exclusive privilege acquired under this Ordinance shall cease if the Governor in Council declares the privilege, or the mode in which it is executed, to be mischievous to the State, or generally prejudicial to the public.

(2) It shall also cease if a breach of any condition on which the petitioner or petitioners was or were authorized to file a specification, or on which the term of the exclusive privilege was extended, is, on an application under this Ordinance to the district court of Colombo proved to the satisfaction of that court, and if the Governor in Executive Council thereupon declares the privilege to have ceased.

Cessation of exclusive privilege on revocation or expiration of patent.

26 (1) An exclusive privilege acquired under this Ordinance in respect of an invention for which a patent has been obtained in the United Kingdom shall cease on the revocation or expiration of the patent.

(2) Such a privilege in respect of an invention for which a patent has not been obtained in the United Kingdom shall cease on the revocation or expiration of any patent or exclusive privilege which has been obtained or acquired for or in respect of the invention in any other country.

Action for infringement of exclusive privilege.

27 (1) Any person or persons may institute an action in the district court of Colombo against any person who, during the continuance of an exclusive privilege acquired by him or them under the Ordinance in respect of an invention, makes, sells, or uses the invention without his or their license, or counterfeits or imitates it.

(2) The action shall not be defended upon the ground of any defect or insufficiency of the specification of the invention, or upon the ground that the original or any subsequent petition relating to the invention, or the original or any amended specification contains a wilful or fraudulent mis-statement, or upon the ground that the invention is of no utility.

(3) Nor shall it be defended upon the ground that the plaintiff or plaintiffs was or were not the inventor or inventors, unless the defendant or defendants shows or show that he or they is or are the actual inventor or inventors or has or have obtained from the actual inventor or inventors a right to make, sell, or use the invention, or to counterfeit or imitate it, as the case may be.

(4) Nor shall it be defended upon the ground that the invention was not new, unless the defendant or defendants or some person through whom he or they claims or claim has or have, before the date of the delivery of the petition for leave to file the specification, publicly or actually used in the colony or any part of the United Kingdom the invention, or that part of it with respect to which the exclusive privilege is alleged to have been infringed.

Application to declare exclusive privilege in respect of an invention not to have been acquired.

28 Any person or persons may apply to the district court of Colombo for a rule to show cause why the court should not declare that an exclusive privilege in respect of an invention to be specified in the rule has not been acquired under the Ordinance by reason of all or any of the objections following (to be specified in the rule), that is to say:

(*a*) That the invention is of no utility ; or

(*b*) That the invention was not at the date of the delivery or receipt of the petition for leave to file the specification a new invention within the meaning of this Ordinance ; or

(*c*) That the petitioner was not or none of the petitioners was the true inventor thereof ; or

(*d*) That the original or any amended specification does not fulfil the requirements of this Ordinance ; or

(*e*) That the petitioner or petitioners has or have knowingly or fraudulently included in the petition for leave to file the specification or in the original or any amended specification, as part of his or their invention, something which was not new, or whereof he or they or some one or more of them was or were not the inventor or inventors ; or

(*f*) That the original or any subsequent petition relating to the invention, or the original or any amended specification, contains a wilful or fraudulent misstatement; or

(*g*) That some part of the invention, or the manner in which that part is to be made and used, as described in the original or any amended specification, is not thereby sufficiently described, and that this insufficiency was fraudulent and is injurious to the public.

Like application as to part of invention

29 Any person or persons may apply to the district court of Colombo for a rule to show cause why the court should not declare that an exclusive privilege in respect of any part of an invention to be specified in the rule has not been acquired under this Ordinance, by reason of all or any of the objections following (to be specified in the rule), that is to say :

(*a*) That that part of the invention is wholly distinct from the other parts thereof, and is of no utility ; or

(*b*) That that part of the invention was not, at date of the delivery or receipt of the petition for leave to file specification, a new invention within the meaning of this Ordinance ; or

(*c*) That the petitioner was not, or none of the petitioners was, the true inventor or inventors of that part of the invention ; or

(*d*) That that part of the invention, or the manner in which it is to be made and used, is not sufficiently described in the original or any amended specification, and that this insufficiency is injurious to the public.

Security for cost of application under either of the two last foregoing sections.

30 The said district court may in this behalf require a person applying for a rule under either of the two last foregoing sections to give security for the payment of all costs incurred or likely to be incurred by any person or persons appearing to show cause against the rule.

Application on breach of condition.

31 (1) Any person authorized by the Governor in Executive Council in this behalf may apply to the district court of Colombo for a rule to show cause why the question of the breach of any condition on which leave to file a specification has been granted, or any other question of fact on which the cessation of an exclusive privilege under section 25 may, in the judgment of the Governor in Executive Council, depend, should not be tried in the form of an issue directed by the court.

(2) If the rule is made absolute, the court, unless the breach or other matter of fact is admitted, may direct the issue to be tried, and certify the result of the trial to the Governor in Executive Council.

Notice of proceedings to persons interested.

32 (1) Notice of any rule obtained or proceeding taken under section 28, section 29, or section 31, shall be served on all persons appearing from the address book to be proprietors of the exclusive privilege, or to have shares or interests therein, and it shall not be necessary to serve the notice on any other person.

(2) The notice shall be deemed to be sufficiently served if a copy thereof is left at the place for the time being stated in the address book, by delivering the copy to any person resident at or in charge of the place, or, if there is no person resident at or in charge of the place, or if the place is not within the local limits of the jurisdiction of the court, by causing the notice to be sent to the place by post by a registered letter directed to the person to whom the notice is addressed.

Order on application.

33 (1) If it appears to the district court of Colombo at the hearing of an application under section 28 or section 29, that by reason of any of the objections specified in the rule the exclusive privilege in the invention or in any part thereof has not been acquired, the court shall make an order accordingly, and thereupon the petitioner or petitioners shall, so long as the order continues in force, cease to be entitled to the exclusive privilege.

(2) If it appears to the district court of Colombo, at the hearing of any such application as last aforesaid, that the petitioner or petitioners has or have in the description of his or their invention in the petition for leave to file a specification thereof, or in the original or any amended specification erroneously included something which at the date of the delivery or receipt of the petition for leave to file the specification was not new, or whereof he or they was or were not the inventor or inventors, or that the specification is in any particular defective or insufficient, but that the error, defect, or insufficiency was not fraudulently intended, the court may adjudge the exclusive privilege to have been acquired and to be valid, save as to the part thereof affected by the error, defect, or insufficiency ; or

(3) If it appears to the district court of Colombo that the error, defect, or insufficiency can be amended without injury to the public, the court may adjudge the exclusive privilege in respect of the whole of the invention to be valid, and may upon such terms as it thinks reasonable, order the specification to be amended in any particular in which it is erroneous, defective, or insufficient; and thereupon the petitioner or petitioners shall, within a time to be limited by the court for the purpose, file in the office of the Colonial Secretary a specification amended according to the order.

(4) The provisions of section 17 with respect to the effect of such specifications shall apply, so far as they can be made applicable, to an amended specification filed under this section.

(5) An exclusive privilege in respect of an invention shall not be defeated upon the ground that the petition for leave to file the specification of the invention contains a mis-statement, unless the mis-statement was wilful or fraudulent.

Delivery of particulars.

34 (1) In an action for the infringement of an exclusive privilege acquired under this Ordinance the plaintiff shall deliver with his plaint particulars of the breaches complained of in the action, and the defendant shall deliver a written statement of the particulars of the grounds, if any, upon which he means to contend that the plaintiff is not entitled to an exclusive privilege in respect of the invention.

(2) In like manner, upon an application to the district court of Colombo under section 28, section 29, or section 31, the person making the application shall deliver particulars of the objections or grounds on which he means to rely.

(3) At the hearing of any such action or application, or at the trial of any issue arising out of any such application, evidence shall not be allowed to be given in proof of any breach of the exclusive privilege, or of any ground impeaching the validity of that privilege, or of any objection or ground affecting such a privilege, unless such breach or other matters as aforesaid has been stated in the particulars delivered under this section.

(4) If it is alleged that the invention was publicly used or known before the date of the delivery or receipt of the petition for leave to file the specification thereof, the places where and the manner in which the invention was so publicly used or known shall be stated in the particulars.

(5) Notwithstanding anything in the foregoing portion of this section, the court in which the action or application is pending, or an issue arising out of the application is being tried, may allow the plaintiff or defendant respectively to amend the particulars delivered under this section upon such terms as it thinks fit.

Title of actual inventor to exclusive privilege in case of fraud.

35 If in an action instituted in the district court at any time within fourteen years from the date of the filing of a specification of an invention under this Ordinance the actual inventor proves to the satisfaction of the court that the petitioner or petitioners was or were not the actual inventor or inventors, and that at the time of the petition for leave to file the specification the petitioner or petitioners knew or had reason to believe that the knowledge of the invention was obtained by himself or themselves or by some other person surreptitiously or in fraud of the actual inventor, or by means of a communication made in confidence by the actual inventor to him or them or to any person through whom he or they derived the knowledge, the court may make a decree declaring an exclusive privilege in respect of the invention to be vested, subject to the other provisions of this Ordinance, in the actual inventor for a term of fourteen years from the date on which the petition was delivered to,

or received by, the Colonial Secretary, and requiring the petitioner or petitioners to account for and pay over to the actual inventor the profits derived by him or them from the invention, or so much of those profits as the court, having regard to the degree of diligence exerted by the actual inventor in proceeding under this section and to all the other circumstances of the case, may see fit to require the petitioner or petitioners to pay.

Transmission of copies of decrees and orders to Colonial Secretary.

36 A court making a decree in an action under section 27 or section 35, or an order on an application under section 28, section 29, or section 31, shall send a copy of the decree or order, as the case may be, to the Colonial Secretary, who shall cause an entry thereof and reference thereto to be made in the register of inventions and against any entry in the address book affected thereby.

Registration of cessation of exclusive privilege.

37 In the following cases, namely:

(*a*) When an exclusive privilege acquired under this Ordinance has ceased under section 7 or section 13 by reason of a fee in respect of the continuance of the privilege not having been paid within the time limited by the fourth schedule for the payment thereof, and the period, if any, within which an order might have been made for enlarging the time for the making of the payment has expired;

(*b*) When an exclusive privilege acquired under this Ordinance has been declared by the Governor in Executive Council under section 25 to have ceased;

(*c*) When an exclusive privilege acquired under this Ordinance has ceased under section 26 by reason of the revocation or expiration of a patent or exclusive privilege;

(*d*) When the whole or any part of an exclusive privilege acquired under this Ordinance has ceased under section 33 in consequence of an order under that section;

(*e*) When an exclusive privilege has been declared by a decree to have vested in an actual inventor under section 35;

(*f*) When an exclusive privilege acquired under this Ordinance has ceased by reason of the expiration of the term for which it was acquired;

the Colonial Secretary shall cause an entry with respect to the cessation or vesting of the exclusive privilege to be made in the register of inventions, and a reference to that entry to be made in the margin of the entry in that register of the petition for leave to file the specification of the invention.

Rectification of register of inventions or address book.

38 (1) If any person is aggrieved by an entry in the register of inventions or address book, or by the omission of an entry therefrom, and a proceeding is not provided in the foregoing portion of this Ordinance whereby the

register or book may be rectified, he may apply to the district court of Colombo for an order for the rectification of the register or book, and the court may make such order on the application as it thinks fit.

(2) A copy of the order shall be forwarded by the court to the Colonial Secretary, who shall cause an entry thereof and reference thereto to be made in the register of inventions and against any entry in the address book affected thereby.

(3) When the Colonial Secretary is a party to an application under this section, the costs of another party thereto shall not be adjudged to be payable by the Colonial Secretary.

Power for Governor in Executive Council to require grant of licenses.

39 If on the petition of any person interested it is proved to the Governor in Executive Council that, by reason of an inventor who has acquired an exclusive privilege under this Ordinance failing to grant licenses on reasonable terms—

(*a*) The exclusive privilege is not being worked in Ceylon ; or

(*b*) The reasonable requirements of the public with respect to the invention cannot be supplied ; or

(*c*) Any person is prevented from working or using to the best advantage an invention of which he is possessed ;

the Governor in Executive Council may order the inventor to grant, or may himself on behalf of the inventor grant, licenses on such terms as to the amount of royalties, security for payment, or otherwise as the Governor in Executive Council, having regard to the nature of the invention and the circumstances of the case, may deem just.

Subscription of specifications and petitions.

40 If the petitioner or petitioners or any of them is or are absent from Ceylon, a petition for leave to file a specification, or a petition for leave to file a memorandum or amended specification, may, instead of being signed by the petitioner or petitioners under section 4, section 8, or section 16, as the case may be, be signed on behalf of the petitioner or petitioners by an agent in Ceylon authorized by him or them in writing in that behalf.

Verification of petitions.

41 (1) A petition under this Ordinance for leave to file a specification, memorandum, or amended specification must be verified by the person or persons making the petition.

(2) If the person or persons is or are absent from Ceylon, the petition may be verified by the agent who signs the petition on his or their behalf.

(3) The verification must be signed by the person or persons making it, and must be to the effect that the facts stated in the petition are true to his or their knowledge, except as to matters stated on information and belief, and that as to those matters they are believed by him or them to be true.

Agents.

42 Subject to the provisions of the two last foregoing sections and of any other enactment for the time being in force, any act which is required or authorized by this

Ordinance to be done by any person may be done on his behalf by an agent in Ceylon having authority in writing from that person so to do the act.

Right of appeal saved.

43 All decisions and orders of the district court of Colombo made under the authority of this Ordinance shall be subject to an appeal to the Supreme Court, and every such appeal shall be brought on and prosecuted in manner provided in "The Civil Procedure Code, 1889," and shall be subject to the provisions of the said Code; and subject to the provisions and limitations contained in the said Code, any party or parties to any action or proceeding under this Ordinance may appeal to Her Majesty in Council from any formal judgment, decree, or sentence of the Supreme Court, or against any rule or order made by such court, and having the effect of a final or definitive sentence.

Fees

44 (1) There shall be paid in respect of the several proceedings specified in the fourth schedule the fees in that schedule prescribed.

(2) The Governor in Executive Council may, if he thinks fit, reduce any of those fees and revoke or vary the reduction.

(3) The fees payable under this section shall be collected by means of stamps or otherwise, as the Governor in Executive Council directs.

(4) A proceeding in respect of which a fee is payable under the fourth schedule shall be of no effect unless the fee has been paid.

Rules and forms.

45 (1) The Governor in Executive Council may make such rules and prescribe such forms as he thinks necessary for carrying out the purposes of this Ordinance, and may alter or amend either of the forms in the second and third schedules.

(2) Rules under this section may provide, among other matters, for the printing of specifications, memoranda, and amended specifications, and for the distribution or sale of printed copies thereof.

SCHEDULE I.

Ordinances repealed.

(See Section 2)

Number and Year.	Subject or Title.	Extent of Repeal
6 of 1859 ...	"Inventions Ordinance, 1859"	The whole
3 of 1890 ...	"The Stamp Ordinance, 1890"	So much of Part V., schedule B, as refers to duties payable in respect of petitions and grants under "The Inventions Ordinance, 1859"

SCHEDULE II.

A.—Petition where Patent has not been obtained.

(See Sections 4 and 45.)

To the Governor in Executive Council.

The petition of (*a*) ——— of (*a*) ———, and of (*a*) ——— of (*a*) ———, for leave to file a Specification under "The Inventions Ordinance, 1892."

1. The petitioner (*b*) (*c*) ——— in possession of an Invention for (*d*) ———, which Invention (*e*)(*f*) ——— will be of public utility. ——— (*g*) the Inventor (*h*) thereof (or, *as the case may be*, the executors, administrators, or assigns of the inventor), and the invention is not publicly used or known in any part of Ceylon or of the United Kingdom to the best of (*i*) ——— knowledge and belief.

In the case of more than one petitioner, state whether all, or if not, who is or are the inventor or inventors.

2. The following is a description of the Invention (*k*) ———.

3. The petitioner (*l*) therefore prays (*m*) for leave to file a Specification of the Invention pursuant to "The Inventions Ordinance, 1892"

———

(*Signature or Signatures.*)

(*a*) Insert names, addresses, and occupations of petitioners or petitioner, as the case may be.
(*b*) or "petitioners"
(*c*) "is" or "are"
(*d*) state the title of the invention.
(*e*) "he" or "they"
(*f*) "believes" or "believe"
(*g*) "He is" or "They are"
(*h*) or "inventors"
(*i*) "his" or "their"
(*k*) describe the invention
(*l*) or "petitioners"
(*m*) or "pray"

———

B.—Petition where Patent has been obtained.

(See Sections 4 and 45.)

To the Governor in Executive Council.

The petition of (*a*) ——— of (*a*) ———, and of (*a*) ——— of (*a*) ———, for leave to file a Specification under "The Inventions Ordinance, 1892."

1. The petitioner (*b*) (or, *as the case may be*, *A. B.*, of whom the petitioner is the executor, administrator, or assign) (*c*) ——— obtained a patent in the United Kingdom, dated and sealed on the ——— day of ———, for (*d*) ———.

2. The petitioner (*e*) believes (*f*) that the Invention was not publicly known in any part of Ceylon at or before the date of the application for the patent.

3. The following is a description of the invention (*g*) ———.

4. The petitioner (*h*) therefore (*i*) ——— for leave to file a Specification of the Invention pursuant to "The Inventions Ordinance, 1892."

———

(*Signature or Signatures.*)

(*a*) Insert names, addresses, and occupations of petitioners or petitioner, as the case may be.
(*b*) or "petitioners"
(*c*) "has" or "have"
(*d*) state the title of the invention.
(*e*) or "petitioners"
(*f*) or "believe"
(*g*) here describe it.
(*h*) or "petitioners"
(*i*) "applies" or "apply"

SCHEDULE III.

VICTORIA, by the Grace of GOD of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c.

To all to whom these Presents shall come,

Greeting.

Whereas ——— of ——— (*a*) (having previously obtained Her Majesty's Letters Patent for the exclusive use of a certain Invention intituled (*here insert title of the Invention*), in the United Kingdom, but not extending to this Island) has presented to Us ———, Governor of Ceylon, a petition (numbered ——— in the Register of Inventions in the Office of the Colonial Secretary) praying for leave to file a Specification of (*a*) (the said Invention) a certain Invention, intituled ———, and We in Executive Council have made an order, dated the ——— day of ———, 18—, authorizing the said ——— to file a Specification of the said Invention; and whereas the said ——— did, on the ——— day of ———, 18—, file a Specification in accordance with the said order, and the same is entered in the Register of Inventions in the Office of the Colonial Secretary; and whereas the said ——— hath done all things to entitle him to exclusive privilege in the Invention in the said Petition and Specification mentioned and described, for the term of ——— years:

(*a*) Use the words within the brackets when a patent has been obtained in the United Kingdom.

Now know Ye that We do grant to the said ———, his heirs, executors, administrators, and assigns, the exclusive privilege of making, selling, and using the said Invention, and of authorizing others so to do, in Ceylon, for the term of ——— years, in terms of and subject to the provisions of "The Inventions Ordinance, 1892."

Conditions.

Given at ———, under the Public Seal of the Island of Ceylon, this ——— day of ———, 18—.

By His Excellency the Governor's command,

———

Colonial Secretary.

SCHEDULE IV.

Fees (Inventions).

(See Sections 7, 13, and 44.)

	Rs.	c.
(1) In respect of petitions for leave to file a specification (section 4)	10	0
(2) In respect of the filing of a specification (section 7) ...	30	0
(3) In respect of an extension of the time for filing a specification (section 7)	20	0
(4) In respect of the continuance of an exclusive privilege (section 7)—		
(*a*) After the filing of the specification and before the expiration of the fourth year from the date of the filing thereof	50	0
(*b*) After the expiration of the fourth year and before the expiration of the fifth year from that date ...	50	0
(*c*) After the expiration of the fifth year and before the expiration of the sixth year from that date ...	50	0

Exclusive Privileges to Inventors.

	Rs.	c.
(*d*) After the expiration of the sixth year and before the expiration of the seventh year from that date ...	50	0
(*e*) After the expiration of the seventh year and before the expiration of the eighth year from that date...	50	0
(*f*) After the expiration of the eighth year and before the expiration of the ninth year from that date ...	100	0
(*g*) After the expiration of the ninth year and before the expiration of the tenth year from that date ...	100	0
(*h*) After the expiration of the tenth year and before the expiration of the eleventh year from that date ...	100	0
(*i*) After the expiration of the eleventh year and before the expiration of the twelfth year from that date...	100	0
(*j*) After the expiration of the twelfth year and before the expiration of the thirteenth year from that date	100	0

Provided that the inventor may pay the sum total of the said fees in respect of the continuance of the exclusive privilege, or any part thereof short of the sum total, at any time before the same falls due.

(5) In respect of an enlargement of the time for payment of a fee under article (4) of this schedule (section 7)—		
(i.) If the enlargement does not exceed one month ...	10	0
(ii.) If the enlargement exceed one month, but does not exceed two months	25	0
(iii.) If the enlargement exceed two months ...	50	0
(6) In respect of petition for an extension of an exclusive privilege for a further term (section 13) ...	50	0
(7) In respect of an order extending the term of an exclusive privilege (section 13)...	100	0
(8) In respect of the continuance of an exclusive privilege of which the term has been extended (section 13) ...	100	0

to be paid before the expiration of each year of the extended term :

Provided that the inventor may pay the sum total of the said fees in respect of the continuance of the exclusive privilege, or any part thereof short of the sum total, at any time before the same falls due.

(9) In respect of a petition for leave to file a memorandum or amended specification (section 16) ...	20	0
(10) In respect of a petition to the Governor in Executive Council for a compulsory license (section 39) ...	50	0
(11) For the inspection of any book or other document which is open to inspection under this Ordinance ...	1	0
(12) For copies :—		
(*a*) When the number of words copied does not exceed four hundred	1	0
(*b*) For every hundred words in excess of four hundred	0	25
(*c*) Of drawings or photographs—cost according to agreement.		
(13) For certifying copies :—		
For every hundred words	0	12½

21st November, 1892.

No. 17 of 1892.

An Ordinance to exempt from Customs Duty official supplies consigned to certain Consular Officers of Foreign Countries.

(*See No. 17 of 1869.*)

Preamble.

WHEREAS Her Majesty's consular officers in the United States of America enjoy the privilege of exemptions from customs duties in respect of official goods imported for the use of their consulates, and it is expedient that a corresponding privilege should be granted to the United States consular officer in this colony, and that provision should be made for extending a like exemption to the consular officers of any other foreign countries where now or at any future time a similar treatment may be accorded to British consular officers: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Exemptions from customs duty.

1 From and after the coming into operation of this Ordinance, the following shall not be liable to payment of customs duty:

(*a*) All articles officially supplied to the United States consular officer in this colony by his Government for the use of his consulate.

(*b*) All articles supplied in the like manner and for the like use to the consular officer of such other foreign country as the Governor may from time to time name in a notification published in the *Government Gazette*.

Exemptions how obtained.

Certificate of consignee.

2 All articles consigned to any consular officer to whom this Ordinance applies shall be passed duty free on such officer delivering to the collector of customs a list of the articles, and certifying at the foot thereof that they are *bonâ fide* official supplies sent to him for the use of his consulate by his Government. Provided that all such articles shall, in case of the sale thereof after importation, be liable to and be charged with such and the same duties of customs as are ordinarily payable or charged on the like articles, and the officer in whose charge such articles may be shall furnish the collector of customs with the particulars of the sale thereof, and out of the proceeds of the same pay to the said collector the duties which may be due thereon.

Governor may cancel exemptions.

3 It shall be lawful for the Governor, by notification published in the *Government Gazette*, to cancel any previous notification under section 1, in which case this Ordinance shall cease to apply to the consular officer of such foreign country as may have been named in such cancelled notification.

21st November, 1892.

No. 18 of 1892.

An Ordinance to make provision for the imposition of a Sanitary Rate in certain Localities.

Preamble

WHEREAS it is expedient to make provision for the levying of a sanitary rate in certain localities: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title and commencement of Ordinance.

1 This Ordinance may be cited for all purposes as "The Small Towns Sanitary Ordinance, 1892," and shall come into operation on such day as the Governor may, by Proclamation in the *Government Gazette*, appoint.*

Governor may bring any town or village by Proclamation under the operation of this Ordinance.

2 It shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation to be for that purpose published in the *Government Gazette*, to bring any town or village mentioned in the schedule hereto under the operation of this Ordinance, and to define the limits of such town or village for the purposes of this Ordinance, and such Proclamation to amend, alter, or revoke as and whenever the Governor shall, with the like advice, determine.

Legislative Council may by resolution bring any town or village under the operation of this Ordinance.

3 It shall be lawful for the Legislative Council of the island of Ceylon, by means of a resolution duly passed at any public session of the said Council, to bring any other town or village under the operation of this Ordinance, and to define the limits of such town or village for the purposes of this Ordinance.

Governor, with advice of Executive Council, may by resolution exclude any town or village from operation of this Ordinance.

4 It shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation to be for that purpose published in the *Government Gazette*, to exclude, from and after a date to be named in such Proclamation, any town or village whether mentioned in the schedule hereunto annexed or added thereto by any resolution of the Legislative Council, from the operation of this Ordinance.

Moneys levied under this Ordinance to form a fund to be vested in the provincial board of health.

5 All moneys levied in any town or village for the purposes and under the authority of this Ordinance shall form a fund, which shall be and the same is hereby vested in the board of health as formed and constituted under the provisions of section 2 of the Ordinance No. 8 of 1866 for the province wherein such town or village is situated, and such board shall apply the same to the sanitation and conservancy of such town or village and to the maintenance of the public health therein, and the payment of all expenses incurred in levying such fund and in and about the carrying out of the provisions of this Ordinance.

* Proclaimed the 1st day of March, 1893

6 In the month of January in every year a true account of all moneys received and paid by virtue of this Ordinance during the preceding year ending the thirty-first day of December, and a statement of the sums levied and expended under this Ordinance, shall be made in writing by such board of health, and a copy or duplicate of such account and statement shall be forwarded to the Colonial Secretary to be laid before the Governor in Executive Council; and an abstract thereof shall be published in the *Government Gazette* for general information before the first of March following.

Annual accounts to be prepared and submitted to Government and an abstract published in the *Government Gazette.*

7 It shall be lawful for the board of health of any province, and it is hereby authorized, subject to the provisions hereinafter contained, once a year, if it shall think necessary, to make and assess, with the sanction of the Governor and Executive Council, any rate or rates on the annual value of all houses and buildings of every description, and all lands and tenements whatsoever within any town or village brought under the operation of this Ordinance, and situated within the province for which such board of health is constituted. Such rate or rates to endure for any period not exceeding twelve months.

Government agent may assess rates on property

Provided that such rate shall not exceed the sum of four per centum per annum on such annual value. Provided also that all buildings appropriated to religious or educational purposes or in charge of military sentries shall be exempted from the payment of such rates. Provided also that it shall be lawful for such board of health to exempt from payment, on the ground of poverty, the owner of any house, land, or building rateable under this Ordinance.

Such rate not to exceed four per cent per annum

8 (1) In any town or village in which a police force shall be established, the valuation of lands, houses, and tenements which shall have been made, and shall hereafter from time to time be made for the purposes of police assessment tax under the Ordinances No. 16 of 1865 and No. 7 of 1866, shall be taken as the valuation for the purposes of assessment under this Ordinance.

Value of police assessment to be adopted in any town in which a police force is established.

(2) In any town or village in which a police force is not established, the valuation of houses, buildings, lands, and tenements in which such assessment rate shall be levied shall be made in manner provided in the Ordinances No. 16 of 1865 and No. 7 of 1866, for the purpose of creating a fund for the maintenance of a police force in any town.

Valuation of property to be made in manner provided in Ordinances No. 16 of 1865 and No. 7 of 1866, in any town in which no police force is established.

9 The assessment rate imposed under this Ordinance shall be paid and recovered in the same manner and at such times as the police tax is directed to be paid and recovered under the Ordinances No. 16 of 1865, No. 7 of 1866, and No. 6 of 1873, and shall be subject in all respects to the provisions of the said last mentioned Ordinances relating to the payment and recovery of such police tax. The government agent shall collect and recover the assessment rate payable under this Ordinance, and shall pay such rate over to the board of health of the province.

Assessment rate under this Ordinance to be paid and recovered in the same manner as police assessment tax.

Government agent to be *ex-officio* chairman and treasurer.

When *ex officio* chairman absent, members to appoint their own chairman.

10 For the purposes of this Ordinance the government agent of the province shall be *ex-officio* chairman and treasurer of the board of health of his province, and shall, when present, preside at any meeting thereof. If the *ex-officio* chairman is absent at any meeting, the members present shall appoint their own chairman to preside at such meeting.

Powers of board to be vested in the majority.

Quorum.

Chairman to have a casting vote.

11 All acts whatsoever authorized or required by virtue of this Ordinance to be done by any board of health of the province may and shall be decided upon and done by the majority of members present at any duly convened meeting thereof, such members being not less than three in number when such board consists of more than four members, and not less than two in number when such board consists of less than four members: Provided that when the votes of the members present in regard to any question shall be equally divided, the chairman shall, besides his vote as a member, have a casting vote.

Power of the board as to existing huts.

12 Whenever the board of health of the province is satisfied that any huts, sheds, or buildings, whether used as dwellings, or stables, or for any other purposes, and whether existing at the time when this Ordinance comes into operation or subsequently erected, are by reason of the manner in which they are crowded together, or of the want of drainage and the impracticability of scavenging, attended with risk of disease to the inhabitants of the neighbourhood, it shall cause a notice to be affixed to some conspicuous part of such huts, sheds, or buildings requiring the owners or occupiers thereof, or at its option, the owner of the land on which such huts, sheds, or buildings are constructed, within such reasonable time as may be fixed by the board for that purpose, to execute such operations as the board may deem necessary for the avoidance of such risk. And in case such owners or occupiers shall refuse or neglect to execute such operations within the time appointed, any person appointed by the board in that behalf may cause the said huts, sheds, or buildings to be taken down, or such operations to be performed in respect thereof as the board may deem necessary to prevent such risk. If such huts, sheds, or buildings be pulled down, the said person shall cause the materials of each hut, shed, or building to be sold separately, if such sale can be effected, and the proceeds shall be paid to the owner of the hut, shed, or building, or if the owner be unknown, or the title disputed, shall be held in deposit by the board until the person interested therein shall obtain the order of a competent court for the payment of the same.

Proviso.

Provided always that in case any huts, sheds, or buildings existing at the time when this Ordinance comes into operation should be pulled down under this section by order of the board, or in pursuance of its notice, compensation shall further be made to the owner thereof.

Houses in a ruinous and dangerous state.

13 If in any street any house, building, or wall or anything affixed thereon, be deemed by the board of health of the province to be in a ruinous state or likely to fall, or in any way dangerous to the inhabitants of such house or building or to the neighbouring houses or buildings, or to the occupiers thereof, or to passengers, it shall immediately, if it appears to be necessary, cause a proper board or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner or occupier forthwith to take down, secure, or repair such house, building, wall, or thing affixed thereon, as the case shall require; and if such owner or occupier do not begin to repair, take down, or secure the same within three days after such notice and complete such work with due diligence, the board shall cause all or so much of such house, building, wall, or thing as it shall think necessary to be taken down, repaired, or otherwise secured; and all the expenses incurred by the board shall be paid by the owner or occupier of the premises, and shall be recoverable from such owner or occupier.

Sale of materials of ruinous houses.

14 If any such house, building, or wall, or any part of the same be pulled down by virtue of the powers aforesaid, the board of health of the province may sell the materials thereof, or so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall, on demand, restore any overplus arising from such sale to the owner of such house, building, or wall.

Proviso.

Provided always that in case no demand for such overplus as aforesaid shall within twelve months be made by any person entitled to call for the same, the board shall be at liberty to pay the amount of such overplus to the credit of the fund created by section 5 of the Ordinance, and shall be freed from any liability to pay or answer for or in respect of such unclaimed overplus. The board, although it sells such materials for the purposes aforesaid, shall have a right to recover so much of the said expenses as may remain due after the application of the proceeds of such sale.

Overcrowding of houses.

15 Whenever it shall appear to the board of health of the province that any house is so overcrowded as to be dangerous or prejudicial to the health of the inhabitants thereof or of the neighbourhood, and the inhabitants shall consist of more than one family, the board shall cause proceedings to be taken before the police court to abate such overcrowding, and the said court shall thereupon make such order as it may think fit, and each of the persons permitting such overcrowding shall be liable to a penalty not exceeding ten rupees for each day after the date of such order during which such overcrowding shall continue.

Power of board to inspect and limewash houses.

16 It shall be lawful for the board of health of the province at any time between sunrise and sunset by any person appointed by the same (on giving six hours' notice) to enter into and inspect all houses and buildings, and by an

order in writing to direct all or any part thereof to be forthwith internally and externally limewashed or otherwise cleaned for sanitary reasons ; and if the owner or occupier of such house or building neglect to comply with such direction within two days from the time when the order shall have been served upon him, the board may cause the same to be done, and the expenses incurred shall be paid by the owner or occupier, and shall be recoverable from the owner or occupier.

Penalty for making unauthorized drains into public sewers.

17 Whoever, without the written consent of the board of health of the province thus obtained, makes or causes to be made any drain into any of the public sewers or drains shall be liable to a penalty not exceeding fifty rupees, and the board may cause such drain to be demolished, altered, re-made, or otherwise dealt with as it may think fit ; and all the expense incurred thereby shall be paid by the person making such drain, and shall be recoverable from such person.

Building over sewers, &c., not to be erected without consent of board.

18 No building shall be newly erected over any public sewer, drain, culvert, gutter, or water-course without the written consent of the board of health of the province ; and if any building be so erected, the board may cause the same to be pulled down or otherwise dealt with as it may think fit ; and the expenses thereby incurred shall be paid by the person offending, and be recoverable from such person.

Board may order or cause additional latrines to be constructed.

19 In case the board of health of the province shall be of opinion that any latrine or latrines or additional latrine or latrines shall be necessary to be attached to or provided for any house, or building, or land, the owner of such house, or building, or land shall, within fourteen days after notice in this behalf by the board, cause such latrine or latrines to be constructed in accordance with the requisition of such notice ; and in case the requisitions of such notice shall not have been complied with to the satisfaction of the board by such owner within the period aforesaid, the board shall be at liberty to cause such latrine or latrines to be constructed ; and the expense incurred in such construction shall be payable by such owner, and shall be recoverable from such owner.

Board may cause persons employing large numbers of men to provide and maintain latrine or latrines, &c.

20 It shall be lawful for the board of health of the province to compel any person employing large bodies of workmen or labourers to provide and maintain such latrine or latrines as may to it seem fit, and to cause the same to be kept in proper order and to be daily cleaned. And should such person neglect to provide and maintain such latrine or latrines, or to keep the same clean and in proper order, the board may construct and cause such latrine or latrines to be kept in good order and cleaned ; and the expense incurred by the board in respect thereof shall be paid by the person aforesaid, and shall be recoverable from such person.

21 The owner or occupier of any house, or building, or land having a latrine on his premises, shall have such latrine shut out by a sufficient roof and wall, or fence, from the view of persons passing by or residing in the neighbourhood, and it shall not be lawful for any owner or occupier to keep any latrine open with a door or trap-door opening on to any street. Every owner or occupier who shall omit to comply with, or shall commit any breach of, any of the provisions of this section, shall be liable to a fine of five rupees a day for each day of default or breach: Provided that the board may in its discretion permit the continuance for such time as it may think fit of any such latrine open with a door or trap-door opening on to any street, where such latrine already exists and does not create a nuisance.

Neglect to enclose private latrine.

22 All drains, latrines, and cesspools within the town or village shall be under the survey and the control of the board of health of the province, and shall be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued; and if the owner of any land or buildings to which any such drain, latrine, or cesspool belongs neglects, during eight days after notice in writing for that purpose, to alter, repair, and put the same in good order in the manner required by the board, the board may cause such drain, or latrine, or cesspool to be altered, repaired, and put in good order in the manner required; and the expense incurred by the board in respect thereof shall be paid by the owner, and shall be recoverable from him.

If owners neglect to keep drains, &c., in good order, board may cause the same to be done and charge the owner with the expenses.

23 If any such drain, or latrine, or cesspool be constructed after this Ordinance comes into operation, contrary to the direction and regulations of the board of health of the province, or contrary to the provisions of this Ordinance, or if any person, without the consent of the board, constructs any new drain, or latrine, or cesspool, or constructs, rebuilds, or unstops any drain, or latrine, or cesspool, which has been ordered by the board to be demolished or stopped up, or not to be made, every person so doing shall be liable to a fine not exceeding fifty rupees; and the board may cause such amendment or alteration to be made in any such drain, or latrine, or cesspool as it may think fit, and the expenses thereof shall be paid by the person by whom such drain, or latrine, or cesspool was improperly constructed, rebuilt, or unstopped, and shall be recoverable from him.

Penalty for making or altering drains, &c., contrary to the orders of the board.

24 The board of health of the province or any person appointed by it for that purpose may, subject to the restrictions of this Ordinance, inspect any such drain, or latrine, or cesspool, and for that purpose at any time may enter upon any lands and buildings with such assistants and workmen as are necessary, and cause the ground to be opened, where such board or person may think fit, doing as little damage as may be; and if upon such inspection it appears that the drain, or latrine, or cesspool is not in good order and condition, or that it has been constructed after this Ordinance

Inspection of drains and latrines.

comes into operation contrary to the provisions thereof, the expenses of such inspection shall be paid by the person to whom such drain, or latrine, or cesspool may belong, and shall be recoverable from such person; if such drain, or latrine, or cesspool be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Ordinance, the board or person as aforesaid shall cause the ground to be closed and made good, as soon as may be, and the expenses of the opening, closing, and making good such drain, or latrine, or cesspool shall in that case be defrayed by the board.

Power to fill up unwholesome tanks on private premises.

25 When any private tank or low marshy ground or any waste or stagnant water, being within any private land, appears to the board of health of the province to be injurious to health or to be offensive to the neighbourhood, the board shall, by notice in writing, require the owner of the said premises to cleanse or fill up such tank or marshy ground, or to drain off or remove such stagnant water; and if the said owner shall refuse or neglect to comply with such requisition during seven days from the service thereof, the board or any person appointed by it and its workmen may enter into the said premises and do all necessary acts for all or any of the purposes aforesaid, and the expense incurred thereby shall be paid by the owner of such premises, and shall be recoverable from him.

Place of deposit for filth.

26 The board of health of the province from time to time shall provide places, or may use places already provided, convenient for the deposit of the night soil, dung, and other filth, and for dust, dirt, ashes, and rubbish.

Proviso

Provided that no such dust, dirt, ashes, rubbish, night soil, dung, and other filth shall be deposited in the neighbourhood of populous localities, nor within the limits of the town or village.

All rubbish, &c., collected to be the property of board.

27 All dirt, dust, ashes, rubbish, sewage, soil, dung, and filth collected under the authority of the board from streets, houses, latrines, sewers, and cesspools shall be the property of the board of health of the province, and the board shall have power to sell or dispose of the same as it may think proper; and the money arising from the sale thereof shall be paid to the credit of the fund created by section 5 of this Ordinance.

SCHEDULE.

Western Province.

Moraṭuwa, Pęliyagoḍa, Pánaduré, Kóṭṭé, Węllawatta, Avisáwélla, Gampaha, Já-ęla, Minuwangoḍa, Uḍugampola, Haṇwęlla, Nęboḍa.

Central Province.

Hatton and Dikoya, Waṭawala, Koṭagala, Bogawantaláwa, Pussęlláwa, Kaṭugastoṭa, Maḍulkęlé, Paṇwila, Kaḍugannáwa, Náwalapiṭiya, Kawḍupęlęlla, Dambulla, Nánu-oya, Lindula, Agrapatana, Taláwakęlé, Dimbula, Rágala.

Loan Board Balances.

Northern Province.

Jaffna, Point Pedro, Valluveḍḍitturai, Kayts, Chávakachchéri, Maṇṇár, Mullaittívu.

Southern Province.

Bentoṭa, Ambalangoḍa, Hikkaḍuwa, Doḍandúwa and Ratgama, Ahaṇgama, Weligama, Hakmana, Dikwella, Taṇgalla, Hambantoṭa, Beliatta, Kaṭaluwa.

Eastern Province.

Káttáṇkuḍi-yiruppu, Erávúr, Cháyntamaruttu, Kalmuṇṇai, Chammánturai, Karuṇkoḍḍittívu, Pottuvil, Nintávúr.

North-Western Province.

Polgahawela, Doḍangaslanda, Nikawerativa, Nárammala, Mádampé, Márávila, Kalpiṭiya, Náttanḍiya.

Province of Uva.

Banḍárawela, Haputalé, Koslanda, Haldummulla, Passara, Lunugala.

Province of Sabaragamuwa.

Balangoḍa, Rakwána, Kégalla, Yaṭiyantoṭa, Dehiówiṭa.

North-Central Province.

Anurádhapura.

28th November, 1892.

No. 19 of 1892.

An Ordinance to provide for the further appropriation of certain Unclaimed Balances from the Loan Board.

Preamble.

WHEREAS by the Ordinance No. 4 of 1865, intituled "An Ordinance for the better regulation of the Loan Board," provision has been made for the transfer to the Treasury of certain unclaimed balances to be appropriated to purposes cognate to, or connected with, the administration of justice: And whereas it is expedient to appropriate a portion of such balances for such purposes: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

A sum not exceeding eighty-one thousand nine hundred and thirty-eight rupees from unclaimed balances in Loan Board may be applied for certain public purposes.

1 A sum not exceeding eighty-one thousand nine hundred and thirty-eight rupees shall be issued and applied to the purposes hereinafter mentioned:

	Rs.	c.
Witness sheds, Rakwána courts	950	0
Building prison cells at Welikaḍa	60,000	0
Building new court-house, Máráwila, with quarters for Magistrate	6,000	0
Alterations and additions to Hulftsdorp prison ...	7,458	0
Witness sheds, Hatton courts ...	830	0
Record shelves for the new court-house, Badulla	1,200	0
Additions and improvements to the court-house at Ratnapura	5,500	0
Total ...	81,938	0

Treasurer to pay such moneys as Governor may direct.

2 The Treasurer of the island shall from such balances as aforesaid issue and pay the said sum of eighty-one thousand nine hundred and thirty-eight rupees for the purposes hereinbefore mentioned, in such proportions as the Governor by any warrant or order in writing, to be signed by him, shall from time to time order and direct; and the payments so to be made shall be chargeable upon and be payable out of the said balances.

Treasurer to receive credit for such payments.

3 The Treasurer shall from time to time be allowed credit in his accounts for any sum or sums of money paid by him in pursuance of such warrant or order in writing as aforesaid; and the receipt or receipts of the respective persons to whom the same shall be so paid shall be a full and valid discharge to the Treasurer in passing his said accounts for any such sum or sums as shall be therein mentioned, and he shall receive credit for the same accordingly.

28th November, 1892.

No. 20 of 1892.

An Ordinance for exempting from Customs Duty certain articles imported or purchased for the use of Her Majesty's Naval and Military Forces.

(*See No. 17 of 1869.*)

Preamble.

WHEREAS it is expedient to provide for exempting from customs duty certain articles imported or purchased for the use of Her Majesty's naval and military forces and for paying a rebate of such duty: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Articles exempted from customs duty.

1 From and after the first day of January, 1893, the following articles shall be exempted from payment of customs duty:

(*a*) Articles of every description imported or supplied by sea or inland carriage or navigation for the public use of Her Majesty's regular military and naval forces, and all articles sold for the public use of Her Majesty's regular military and naval forces, though not directly imported for that purpose;

(*b*) All wines, spirits, and stores which are imported or purchased or procured locally for the use of the Naval Commander-in-Chief when residing in the colony, or which are supplied from Her Majesty's dockyard at Trincomalee for the use of his servants and of the sailors on duty at his place of residence;

(*c*) Articles, clothing, and material for clothing imported for the use in athletic sports and games of Her Majesty's regular military or naval forces in Ceylon;

(*d*) Articles imported, purchased, or procured for the use of any canteen of Her Majesty's regular military or naval forces in Ceylon.

2 (1) Upon the production of a certificate from such naval or military officer as the Governor may from time to time authorize by notification in the *Government Gazette* to issue the same, the collector of customs shall pass free from duty the articles hereinbefore exempted, or, in the event of the duty having been paid, he shall allow a rebate of such duty.

Certificate from naval or military officer required for exemption or payment of rebate.

Provided that if such articles shall not be required for the use for which they were imported or purchased as aforesaid, and shall be sold, the same shall be liable to and be charged with such and the same duties of customs as may by law be payable or charged on the like articles; and the officer in whose charge such articles may be shall furnish the collector of customs with the particulars of the sale thereof, and out of the proceeds of the same pay to the said collector the duties which may be due thereon.

Proviso

(2) The rebate shall be paid out of the duties received by the collector of customs, anything in section 16 of the Ordinance No. 17 of 1869 to the contrary notwithstanding.

Rebate.

(3) The certificate required by this section shall be in such form as the Principal Collector of Customs shall from time to time prescribe.

Form of certificate.

3 The Ordinance No. 5 of 1884, intituled "The Customs Duties Amendment Ordinance of 1884," is hereby repealed

Repeal

5th December, 1892.

No. 22 of 1892.

An Ordinance to apply a portion of the Surplus Revenues of past years to Works and Services of acknowledged Public Utility.

WHEREAS it is expedient to apply a portion of the funds which have accrued from the surplus revenues of past years to the execution of works and services of acknowledged public utility:

Preamble.

1 It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that a sum not exceeding one million nine hundred and sixty-seven thousand eight hundred and sixty-seven rupees out of the said surplus revenues shall

One million nine hundred and sixty seven thousand eight hundred and sixty-seven

Surplus Revenues.

rupees to be charged upon the surplus revenues of this island.

be issued and applied to the execution of the several public works and services hereinafter mentioned, in conformity with the details of the estimates to be submitted :

	Rs.	Rs.
Additional rolling stock for main lines of railway	600,000	
New works for the railway, as follows :—		
Enlargement of carriage and wagon constructing and repairing shop ...	25,958	
Enlargement of paint shop ...	23,106	
Enlargement of machine shops ...	13,183	
Enlargement of workshop store ...	6,395	
Enlargement of blacksmiths' shop ...	2,238	
Enlarging engine erecting shop ...	50,795	
Enlargement of engine shed at Náwalapiṭiya	13,582	
Enlargement of platelayer's bungalow at Nánu-oya	871	
Cattle creep at 42½ miles ...	1,052	
Small covered accommodation for passengers and goods at Pérádeniya Junction	3,000	
Roofing and widening Pettah platform	35,100	
New siding at Náwalapiṭiya ...	4,362	
Extending sidings at Talávakelé ...	816	
Signal for Hatton station yard ...	300	
Signal for Kotagala	300	
Crossing station at Rozelle ...	13,923	
Extending Colombo goods shed ...	8,325	
Moving crane at Colombo goods shed...	548	
Lighting Colombo goods shed, &c., with gas	3,202	
Extending plumbago platform at Colombo	1,015	
House for station master, Alawwa ...	4,500	
Enlargement of head office building ...	6,000	
Residences for guards and drivers at Kaḍugannáwa	16,000	
Bridge at Veyangoḍa	7,149	
New machinery	59,727	
		901,447
New roof to Queen's House, Colombo ...	—	63,250
Kirilapana flood-outlet scheme (on account)	—	100,000
Extension of the Colombo Museum (one wing)	—	40,000
Post and Telegraph quarters, Nuwara Eliya	—	20,000
Colombo Foreshore reclamation (on account)	—	40,000
Bridge over the Kelani at Grandpass (on account)	—	150,000
Bridge over the Doḍuru-oya on the Puttalam–Chilaw road (on account) ...	—	60,000
Flood-outlets, Galle	—	20,000
Additions and improvements to the Customs premises, Colombo	—	150,000
Additions and improvements to the Kollupiṭiya, Fort, Slave Island, and Maradána Junction railway stations ...	—	198,125
Enlargement of the powder magazines at Welikada	—	18,000
Carried over ...	—	1,760,822

		Rs.
Brought forward ...	—	1,760,822
Police barracks, Cinnamon Gardens ...	—	40,000
Enlargement of Hatton station (balance of estimate) ...	—	25,945
Extension of the Ella-Hindagalla road to Namanakuli gap	—	41,100
Passara-Madulsima road (on account) ...	—	50,000
Spring Valley to Demodara road ...	—	50,000
Total ...	—	1,967,867

2 The Treasurer of the said island shall issue and pay the said several sums to such persons, for the purposes hereinbefore mentioned, in such proportions as the Governor for the time being by any warrant or order in writing to be signed by him shall from time to time order and direct; and the payments so to be made shall be charged upon and payable out of the said surplus revenues of the said island.

Treasurer to pay the above at such times as the Governor by warrant shall order.

3 The said Treasurer shall, in his accounts, from time to time be allowed credit for any sum or sums of money paid by him in pursuance of such warrant or order in writing as aforesaid; and the receipt or receipts of the respective persons to whom the same shall be so paid shall be a full and valid discharge to the said Treasurer in passing his said accounts for any such sum or sums as shall be therein mentioned, and he shall and may receive credit for the same accordingly.

And to receive credit in his accounts for the payments made in pursuance thereof.

12th December, 1892.

No. 23 of 1892.

An Ordinance to remove doubts as to past appropriation of Rates by the Municipal Council of Colombo.

(*See No. 7 of 1887.*)

WHEREAS doubts have been entertained as to whether the municipal council of Colombo has lawfully applied the rate or rates heretofore made, assessed, and levied by it under the provisions of the Ordinances for the time being applicable to the municipal council of Colombo, and it is expedient to remove such doubts: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 The application in whole or in part by the municipal council of Colombo heretofore made of any rate or rates made, assessed, and levied under the Ordinances No. 17 of 1865, No. 16 of 1881, No. 7 of 1886, or No. 7 of 1887, to any purpose or purposes other than those provided by the said Ordinances or any of them, is hereby declared to have been in all respects and for all purposes legal and valid.

Past appropriation of rates declared legal.

12th December, 1892.

No. 24 of 1892.

An Ordinance to amend the Ordinance No. 6 of 1885.

Preamble.

WHEREAS it is expedient to amend the Ordinance No. 6 of 1885, intituled "An Ordinance to enable the Bishop, Clergy, and Laity of the Church of England in Ceylon to provide for the regulation of the affairs of the said Church," and hereinafter referred to as "the principal Ordinance:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Definitions

1 In this Ordinance—

"Church" shall be construed to mean any episcopal church not governed by the provisions of the Ordinance No. 12 of 1846, which has not been brought under the operation of the provisions of the Ordinance No. 5 of 1864, and any church not vested in any person or body corporate or originally vested in any trustee or trustees where the deed or instrument creating the trust contains no adequate provisions for the appointment of a new trustee or trustees, and the trustee or one or more of the trustees originally appointed may have died, or may have left the colony and be residing elsewhere, or may be desirous of being relieved from the duties thereof.

"Members of the congregation" shall mean all persons entitled to vote at the election of lay representatives of the church under the rules and regulations for the time being of the synod, assembly, or convention held under the authority of the principal Ordinance.

Power to synod to make regulations enabling congregations to pass a resolution to vest the church in incorporated trustees

2 It shall be lawful for the synod, assembly, or convention held under the authority of the principal Ordinance, by any Statute, Ordinance, or Resolution to be passed for such purpose, to make regulations for enabling the majority of the members of the congregation of any church, present and voting at a meeting to be held and convened in manner by the said regulations provided, to declare by resolution their desire that such church and all immovable property belonging or appertaining to such church shall absolutely vest in "The Incorporated Trustees of the Church of England in Ceylon."

Church to vest in incorporated trustees on such resolution being passed.

3 On the passing of such resolution by the congregation under section 2 of this Ordinance, the church and all the immovable property belonging or appertaining to such church shall forthwith absolutely vest in the incorporated trustees of the Church of England in Ceylon in trust, and to and for the use of the Church of England in Ceylon, in the same and in the like manner as the same has heretofore been held, exercised, and enjoyed; subject, nevertheless, in all respects to the provisions and conditions contained in the 9th section of the principal Ordinance, whereby the

constitution of the said incorporated trustees and the beneficial enjoyment of all property which shall vest in them are to be regulated or controlled by the said synod, assembly, or convention.

4 Every resolution passed by a congregation under section 2 of this Ordinance shall be published in the *Government Gazette* within one month of the passing thereof. **Resolution to be published in the *Government Gazette*.**

5 This Ordinance may be cited for all purposes as "The Episcopal Church Amendment Ordinance, 1892." **Short title.**

12th December, 1892.

No. 27 of 1892.

An Ordinance to empower Police Magistrates to try certain Offences in a more expeditious manner than is provided in "The Criminal Procedure Code, 1883."

(*See No. 3 of 1883.*)

WHEREAS it is expedient to make provision for the trial of certain petty offences in a more expeditious manner than is provided in "The Criminal Procedure Code, 1883:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows: **Preamble.**

1 Notwithstanding anything contained in "The Criminal Procedure Code, 1883," and "The Criminal Procedure Code Amendment Ordinance, 1890," any police magistrate specially empowered in this behalf may try in manner hereinafter provided all or any of the following offences: **Power to try in a summary way certain cases.**

(*a*) Offences against the Ceylon Penal Code, sections 157, 257, 258, 259, 270, 271, 272, 278, 279, 282, 283, 285, 286, 287, 289, 314, 325, 327, 332, 343, 409, 433, 434, 484, and 488.

(*b*) Theft under sections 367, 369, and 370 of the same Code, where the value of the property stolen does not exceed fifty rupees.

(*c*) Receiving or retaining stolen property under section 394 of the same Code, where the value of such property does not exceed fifty rupees.

(*d*) Assisting in the concealment or disposal of stolen property under section 396 of the same Code, where the value does not exceed fifty rupees.

(*e*) Offences against any other Ordinance and against the by-laws, rules, or regulations made under or in pursuance thereof punishable with a fine not exceeding fifty rupees, or with imprisonment for a term not exceeding three months, or with both.

(*f*) Abetment of any of the foregoing offences.

(*g*) An attempt to commit any of the foregoing offences when such attempt is an offence.

Procedure.

2 In trials under this Ordinance the procedure prescribed by sections 216, 217, 218, and sub-section (1) of section 219, and sections 220, 221, 222, 223, 224, 228, 229, 230, 236 of the chapter substituted by "The Criminal Procedure Code Amendment Ordinance, 1890," for chapter XIX. of "The Criminal Procedure Code, 1883," so far as they are applicable, shall be followed, subject to the provisions hereinafter contained.

Particulars to be recorded.

3 The police magistrate, in cases tried under this Ordinance, need not record at length the evidence of the witnesses or the statement of the accused, or frame a formal charge, but he shall enter in such form, as the Governor in Executive Council may direct, the following particulars:

(*a*) The serial number;

(*b*) The name and residence of the complainant (if any);

(*c*) The name and residence of the accused;

(*d*) The offence complained of, and the offence (if any) proved, and in cases coming under sub-section (*b*), sub-section (*c*), or sub-section (*d*) of section 1, the value of the property in respect of which the offence has been committed;

(*e*) The plea of the accused and his examination (if any);

(*f*) A concise memorandum of the substance of what each witness deposes (which shall be recorded as the examination of each witness proceeds);

(*g*) The finding, and, in the case of a conviction, a brief statement of the reasons therefor;

(*h*) The substance of the statement (if any) made by the accused; and

(*i*) The sentence or other final order.

Record in cases under this Ordinance.

4 The particulars mentioned in the preceding section shall be the only record in cases coming under this Ordinance.

Finding not limited by complaint.

5 A police magistrate may in any proceedings under this Ordinance convict the accused of any offence triable under this Ordinance which from the facts admitted or proved he appears to have committed, whatever may be the nature of the complaint or information. Provided that the particulars of the offence shall have been stated to the accused, and he has had an opportunity of making his defence; but in no case shall it be necessary to frame a formal charge.

Limit of imprisonment.

6 No sentence of imprisonment exceeding one month, or fine exceeding twenty-five rupees, shall be passed in the case of any conviction under this Ordinance.

Governor may empower magistrate to act under this Ordinance.

7 The Governor in Executive Council, after consultation with the judges of the Supreme Court, may, by notification in the *Government Gazette*, confer on any police magistrate power to try under the provisions of this Ordinance all or any of the offences mentioned in section 1.

14th December, 1892.

No. 28 of 1892.

An Ordinance to amend "The Branch Roads Ordinance, 1874."

(*See No. 6 of 1874.*)

WHEREAS it is expedient to amend "The Branch Roads Ordinance, 1874," in the particulars hereinafter mentioned: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows: Preamble.

1 This Ordinance shall be construed and read as one with "The Branch Roads Ordinance, 1874," hereinafter called "the principal Ordinance." To be read with Ordinance No. 6 of 1874.

2 In section 5 of the principal Ordinance for the words "three or more" shall be substituted the words "two or more." Amendment of section 5 of principal Ordinance.

3 Section 11 of the principal Ordinance shall be amended as follows: Amendment of section 11 of principal Ordinance.

(1) For the words "five members" shall be substituted the words "not less than three or more than five members."

(2) For the words "not less than ten proprietors or resident managers within the district" shall be substituted the words "such number of proprietors or resident managers as shall represent not less than two-thirds of the acreage within the district."

14th December, 1892.

No. 1 of 1893.

An Ordinance to amend "The Petroleum Ordinance, 1887."

WHEREAS it is expedient to amend the Ordinance No. 6 of 1887, intituled "The Petroleum Ordinance, 1887:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows: Preamble.

1 This Ordinance may be cited for all purposes as "The Petroleum Amendment Ordinance, 1893," and shall come into force on the thirty-first day of December, 1893. Short title. Date of operation.

2 "The Petroleum Ordinance, 1887," is hereinafter referred to as "the principal Ordinance," and the principal Ordinance and this Ordinance may be cited for all purposes as "The Petroleum Ordinances, 1887 and 1893," and this Ordinance shall be construed as one with the principal Ordinance; and the expression "this Ordinance" in the principal Ordinance, and any expression referring to the principal Ordinance which occurs in any Ordinance or other document, shall be construed to mean the principal Ordinance as amended by this Ordinance. Ordinance to be construed as one with Ordinance No. 6 of 1887.

Amendment of section 19 of Ordinance No. 6 of 1887 as to the quantity to be conveyed.

3 (1) To sub-section (*a*) of section 19 of the principal Ordinance the following words shall be added, namely, "except when conveyed in a cart specially constructed for the purpose, which has been licensed by writing under the hand of the local authority for the conveyance of petroleum."

As to the conveyance in a closed vessel or cart.

(2) In sub-section (*b*) of the same section, after the word "vessel" and before the words "so constructed" the words "or cart" shall be inserted.

7th November, 1893.

No. 2 of 1893.

An Ordinance relating to the sale by retail of Opium and Bhang within Municipalities and Local Board Towns.

Preamble.

WHEREAS it is expedient to amend "The Opium and Bhang Ordinance, 1878," and to extend certain of the provisions of the Ordinance No. 9 of 1889, intituled "An Ordinance relating to the sale by retail of Opium and Bhang within the Colombo Municipality," to other municipalities, and also to any town in which a local board has been established: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

To be read as one with Ordinances Nos. 4 of 1878 and 9 of 1889.

1 This Ordinance and the Ordinances No. 4 of 1878 and No. 9 of 1889 shall be taken and read as one Ordinance.

Governor may bring any municipality or local board under the operation of this Ordinance.

2 From and after the date at which this Ordinance shall come into operation it shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation to be for that purpose published in the *Government Gazette*, to bring any town in which a municipality or local board has been or may be established, other than Colombo, under the operation of this Ordinance, and such Proclamation to amend, alter, or revoke as and whenever the Governor shall, with the like advice, determine.

Section 7 of the Ordinance No. 4 of 1878 shall not apply to any town brought under the operation of this Ordinance.

3 The provisions of section 7 of the Ordinance No. 4 of 1878, relating to the granting of licenses to sell by retail opium and bhang, and the fees to be paid for such licenses, shall not apply to any town brought under the operation of this Ordinance, and licenses to sell by retail opium and bhang within the limits of any such town shall be granted only as herein provided.

Number of licenses and conditions to be attached thereto to be annually published.

4 The chairman of the municipal council or of the local board shall, on or before the thirtieth day of November in each year, cause to be published twice at least in the *Government Gazette* and in one or more of the local newspapers a notice declaring the number of licenses for the sale by retail of opium and bhang within the limits of any such town which shall be granted for the year commencing

the first day of January then next. The number of such licenses so to be granted shall be in the discretion of the said council or board, but shall in no case exceed five within the limits of any municipal council and three within the limits of any local board for any one year.

5 The provisions of sections 4, 5, 6, and 7 of Ordinance No. 9 of 1889 shall extend to any town brought under the operation of this Ordinance.

Sections 4, 5, 6, and 7 of the Ordinance No. 9 of 1889 extended to towns brought under the operation of this Ordinance

6 In the event of any such re-sale as by section 6 of the Ordinance No. 9 of 1889 mentioned realizing a smaller amount than that at which the highest bidder at the previous sale had been declared the purchaser, such highest bidder shall be liable for the difference, which shall be recoverable by action, notwithstanding the amount may exceed the sum of one hundred rupees, in a court of requests having in other respects jurisdiction in that behalf.

Re-sale at risk of purchaser.

7th November, 1893.

No. 3 of 1893.

An Ordinance to amend "The Joint Stock Companies' Ordinances, 1861 and 1888."

(*See No. 4 of 1861 and No. 6 of 1888.*)

WHEREAS it is expedient to amend "The Joint Stock Companies' Ordinances, 1861 and 1888:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 This Ordinance may be cited for all purposes as "The Joint Stock Companies' Ordinance, 1893."

Short title.

2 "The Joint Stock Companies' Ordinance, 1861," is hereafter referred to as "the principal Ordinance," and the principal Ordinance, "The Joint Stock Companies' Ordinance, 1888," and this Ordinance shall be read as one Ordinance, and may be cited for all purposes as "The Joint Stock Companies' Ordinance, 1861, 1888, and 1893;" and the expression "this Ordinance" in the principal Ordinance, and any expression referring to the principal Ordinance which occurs in any Ordinance or other document, shall be construed to mean the principal Ordinance as amended by "The Joint Stock Companies' Ordinance, 1888," and this Ordinance.

Ordinance to be construed as one with Ordinances No. 4 of 1861 and No. 6 of 1888.

3 This Ordinance shall come into force on the first day of January, 1894, which date is hereinafter referred to as "the commencement of this Ordinance."

Commencement of Ordinance.

4 In section 8 of the principal Ordinance, for the words "such first-mentioned company may" shall be substituted the words "such first-mentioned company shall."

Section 8 amended.

Power of company to change name.

5 After section 8 of the principal Ordinance the following section shall be added and numbered 8 (*a*), namely :

Any company with the sanction of a special resolution of the company passed in manner hereinafter mentioned, and with the approval of the Governor, testified in writing under the hand of the Colonial Secretary or of one of the assistant colonial secretaries, may change its name, and upon such change being made the registrar shall enter the new name in the register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case ; but no such alteration of name shall affect any rights or obligations of the company, or render defective any legal proceedings instituted or to be instituted by or against the company, and any legal proceedings may be continued or commenced against the company by its new name that might have been continued or commenced against the company by its former name.

Section 21 amended

6 To section 21 of the principal Ordinance the following words shall be added, namely :

And every director or manager of the company who shall knowingly and wilfully authorize or permit a contravention of this section shall incur the like penalty.

Section 26 amended

7 To section 26 of the principal Ordinance the following words shall be added, namely :

And every director and manager of the company who shall knowingly authorize or permit such refusal shall incur the like penalty.

Section 34 amended.

8 To section 34 of the principal Ordinance the following words shall be added, namely :

And if any company make default in forwarding a copy of the memorandum of association, if any, to a member in pursuance of this section, the company so making default shall for each offence incur a penalty not exceeding ten rupees.

Section 47 amended

9 In section 47 of the principal Ordinance for the words "one month" shall be substituted the words "fourteen days," and for the words "three months" shall be substituted the words "two months."

Section 63 amended.

10 For section 63 of the principal Ordinance the following shall be substituted, namely :

Service of notice on company and registrar.

Any summons or notice requiring to be served upon the company may, except in cases where a particular mode of service is directed, be served by leaving the same with any director, secretary, or other principal officer of the company at their registered office, or by sending it through the post by letter addressed to such company, and any notice to the registrar may be served by sending it to him through the post by letter, or by delivering it to him, or by leaving it for him at his office.

11 (1) In the distribution of the assets of any company being wound up under the principal Ordinance, there shall be paid in priority to other debts—

Wages and salaries to be a claim.

(*a*) All wages or salary of any clerk or servant in respect of service rendered to the company during four months before the commencement of the winding up, not exceeding five hundred rupees ; and

(*b*) All wages of any labourers or workmen in respect of service rendered to the company during two months before the commencement of the winding up.

(2) The foregoing debts shall rank equally among themselves, and shall be paid in full, unless the assets of the company are insufficient to meet them, in which case they shall abate in equal proportions between themselves.

Such claims to rank equally.

(3) Subject to the retention of such sums as may be necessary for the cost of administration or otherwise the liquidator or liquidators or official liquidator shall discharge the foregoing debts forthwith, so far as the assets of the company are and will be sufficient to meet them, as and when such assets come into the hands of such liquidator or liquidators or official liquidator.

Liquidators to discharge same upon receipt of sufficient assets.

12 Every prospectus of a company, and every notice inviting persons to subscribe for shares in any joint stock company, shall specify the dates and the names of the parties to any contract entered into by the company, or the promoters, directors, or trustees thereof before the issue of such prospectus or notice, whether subject to adoption by the directors, or the company, or otherwise, and any prospectus or notice not specifying the same shall be deemed fraudulent on the part of the promoters, directors, and officers of the company knowingly issuing the same, as regards any person taking shares in the company on the faith of such prospectus unless he shall have had notice of such contract. And any promoter, director, or officer of a company who shall issue any such prospectus or notice contrary to the provisions of this section shall be guilty of an offence, and be punished with imprisonment of either description for a term which may extend to twelve months, and with a fine not exceeding five thousand rupees.

Prospectus, &c., to specify dates and names of parties to any contract made prior to issue of such prospectus, &c.

Penalty for breach.

13 Every limited company under the principal Ordinance shall keep a register of all mortgages and charges specifically affecting property of the company, and shall enter in such register in respect of each mortgage or charge a short description of the property mortgaged or charged, the amount of charge created, and the names of the mortgagees or persons entitled to such charge ; if any property of the company is mortgaged or charged without such entry as aforesaid being made every director, manager, or other officer of the company who knowingly and wilfully authorizes or permits the omission of such entry shall incur a penalty not exceeding five hundred rupees. The register of mortgages required by

Register of mortgages.

this section shall be open to inspection by any creditor or member of the company at all reasonable times, and if such inspection is refused, any officer of the company refusing the same, and every director and manager of the company authorizing or knowingly and wilfully permitting such refusal, shall incur a penalty not exceeding fifty rupees, and a further penalty not exceeding twenty rupees for every day during which such refusal continues, and in addition to the above penalty any district judge, in the case of companies subject to his jurisdiction, may by order compel an immediate inspection of the register.

Power of company to alter objects subject to confirmation by court.

14 (1) Subject to the provisions hereinafter mentioned a company registered under the principal Ordinance may, by special resolution, alter the provisions of its memorandum of association with respect to the objects of the company, but in no case shall any such alteration take effect until confirmed on petition by the court which has jurisdiction to make an order for winding up the company.

(2) Before confirming any such alteration the court must be satisfied—

(*a*) That sufficient notice has been given to every holder of debentures or debenture stock of the company, and any person or class of persons whose interests will, in the opinion of the court, be affected by the alteration ; and

(*b*) That with respect to every creditor who in the opinion of the court is entitled to object, and who signifies his objection in manner directed by the court, either his consent to the alteration has been obtained or his debt or claim has been discharged, or has determined, or has been secured to the satisfaction of the court. Provided that the court may, in the case of any person or class of persons, for special reasons dispense with the notice required by this section.

(3) An order confirming any such alteration may be made on such terms and subject to such conditions as to the court seems fit, and the court may make such orders as to costs as it deems proper.

(4) The court shall, in exercising its discretion under this Ordinance, have regard to the rights and interests of the members of the company, or of any class of those members, as well as to the rights and interests of the creditors, and may, if it thinks fit, adjourn the proceedings in order that an arrangement may be made to the satisfaction of the court for the purchase of the interests of dissentient members; and the court may give such directions and make such orders as it may think expedient for the purpose of facilitating any such arrangement or carrying the same into effect: Provided always that it shall not be lawful to expend any part of the capital of the company in any such purchase.

(5) The court may confirm, either wholly or in part, any such alteration as aforesaid with respect to the objects of the company if it appears that the alteration is required in order to enable the company—

(*a*) To carry on its business more economically or more efficiently ; or

(*b*) To attain its main purpose by new or improved means ; or

(*c*) To enlarge or change the local area of its operations ; or

(*d*) To carry on some business or businesses which under existing circumstances may conveniently or advantageously be combined with the business of the company ; or

(*e*) To restrict or abandon any of the objects specified in the memorandum of association.

Registration of order together with memorandum as altered, and consequences thereof.

15 (1) Where a company has altered the provisions of its memorandum of association with respect to the objects of the company, and such alteration has been confirmed by the court, an office copy of the order confirming such alteration, together with a printed copy of the memorandum of association, shall be delivered by the company to the registrar of joint stock companies within fifteen days from the date of the order, and the registrar shall register the same and shall certify under his hand the registration thereof, and his certificate shall be conclusive evidence that all the requisitions of this Ordinance, with respect to such alteration and the confirmation thereof, have been complied with, and thenceforth (but subject to the provisions of this Ordinance) the memorandum so altered shall be the memorandum of association, and shall apply to the company in the same manner as if the company were a company registered under the principal Ordinance with such memorandum.

(2) If a company makes default in delivering to the registrar any document required by this section to be delivered to him, the company shall be liable to a penalty not exceeding one hundred rupees for every day during which it is in default.

Penalties to be recoverable at the suit of the registrar in the court of requests, Colombo.

16 All penalties imposed by and recoverable under this or the principal Ordinance shall be deemed and taken to be a debt to Her Majesty of the party, parties, or company liable to pay the same, and shall and may, whatever may be the amount claimed, be sued for and recovered by the registrar on behalf of Her Majesty in the court of requests, Colombo.

21st November, 1893.

No. 4 of 1893.

An Ordinance to ensure the supervision and safe transit of Goods, Produce, and Merchandise from one part of this Island to another.

Preamble.

WHEREAS it is expedient to make further provision for the supervision and safe transit of goods, produce, and merchandise from one part of this island to another: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:

To provide for security of goods, &c., in transit, Governor and Executive Council may authorize fees to be levied at certain places.

1 Whenever it shall be deemed advisable by the Governor, with the advice of the Executive Council, that along any particular public road, river, or canal of this island, goods, produce, or merchandise conveyed in carts or boats should be supervised and protected, the Governor, with the advice of such Council, may by Proclamation authorize at any particular place or places, along such road, river, or canal, the levy of a fee for the purposes of defraying the expenses of the protection and supervision of goods, produce, and merchandise as aforesaid, and may fix the amount of the fee to be so levied; provided that the same shall not exceed fifty cents for each cart, and provided that whenever a fee shall be authorized to be so levied the same shall be notified in the *Government Gazette* not less than fourteen days previously to the date on which such fee shall become leviable.

Fees so paid to be expended on cost of supervision on road, &c., where levied.

2 All moneys which may be collected under this Ordinance shall be expended in defraying the cost of the police and other incidental expenses along the road, river, or canal on which such fee or fees may be levied, but for no other purpose whatsoever.

Term "cart" only to include carts plying for hire, and not coaches, carriages, and hackeries.

3 The term "cart" in this Ordinance means a cart conveying goods, produce, or merchandise, but shall not include a carriage, coach, or hackery.

Powers of the Governor in Executive Council to revoke and amend any Proclamation issued under section 1.

4 (1) It shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation in the *Government Gazette*—

(*a*) To revoke any Proclamation issued under section 1, and upon such revocation this Ordinance shall cease to have any effect along such road, river, or canal described in such Proclamation; or

(*b*) To exempt from the operation of this Ordinance any portion or portions of any road, river, or canal described in any Proclamation issued under section 1;

(*c*) To alter the particular place or places or the fee fixed by any Proclamation issued under section 1.

(2) The Governor, with the like advice, may by Proclamation in the *Government Gazette* re-issue any Proclamation revoked under sub-section (*a*) or alter, modify, or revoke any exemptions or alterations made under sub-section (*b*) or (*c*).

21st November, 1893.

No. 5 of 1893.

An Ordinance to empower the Trustees of the Church of St. Paul to alienate a portion of Land belonging to the said Church.

Preamble.

WHEREAS the Bishop of Colombo, the Colonial Secretary, and the Government Agent of the Western Province are the trustees of the episcopal church situated in St. Paul's road, Colombo, and commonly known as the Church of St. Paul:

And whereas the said church and surrounding ground belonging thereto are vested in the said Bishop of Colombo, Colonial Secretary, and Government Agent of the Western Province, and their successors in office as trustees of the said church:

And whereas a portion of land surrounding the said church is required by the municipal council of Colombo for the improvement and alteration of the roads and drains near the said church; and it is necessary and expedient that the trustees aforesaid should be empowered to transfer to the said municipal council a portion of the said ground: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Trustees empowered to sell or exchange a portion of land belonging to St. Paul's Church, Colombo.

1 It shall be lawful for the Bishop of Colombo, the Colonial Secretary, and the Government Agent of the Western Province, as trustees of the said Church of St. Paul, Colombo, or their successors as such trustees, by writing under their hands or under the hands of any two of them, of which two the Bishop of Colombo shall be one, to transfer to the municipal council of Colombo, either by sale or exchange, any portion of the land surrounding the said church as to such trustees may seem fit, and to apply to the purposes of their trust, and to no other purpose, any land, money, or other property which may come into their hands as the proceeds of such sale or exchange.

Short title.

2 This Ordinance may be cited as "The St. Paul's Church Land Ordinance, 1893."

21st November, 1893.

No. 6 of 1893.

An Ordinance to prevent the wanton Destruction of Birds, Beasts, and Fishes not indigenous to this Colony.

Preamble.

WHEREAS it is expedient to provide for the protection of certain birds, beasts, and fishes not indigenous to this colony, but which have been or may hereafter be introduced into the island : Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :

Commencement of Ordinance.

1 This Ordinance shall come into operation at such time as the Governor shall appoint by Proclamation to be published in the *Government Gazette.**

Interpretation.

2 The words "birds," "beasts," "fishes" shall, for the purposes of this Ordinance, be deemed to mean such birds, beasts, and fishes as are mentioned in the schedule hereto annexed.

Proviso.

Provided, however, that it shall be lawful for the Governor, acting with the advice of the Executive Council, by Proclamation to be published in the *Government Gazette*, at any time or from time to time to declare that this Ordinance shall apply to any birds, beasts, and fishes to be named therein other than those mentioned in the said schedule, and upon such Proclamation being so published, the provisions of this Ordinance shall forthwith be held to apply to such birds, beasts, and fishes in the same manner and to the same extent as if such birds, beasts, and fishes had been mentioned in the said schedule. It shall also be lawful for the Governor, acting with the advice aforesaid, by Proclamation to be published as aforesaid, to exempt from the operation of this Ordinance any birds, beasts, and fishes for the time being subject to the provisions thereof, and any such Proclamation to revoke or amend by any subsequent Proclamation to be published as aforesaid.

Government agent may declare a close season.

3 It shall be lawful for the government agent of any province to declare by notification in the *Government Gazette* and by beat of tom-tom, and by such other means as shall give due publicity thereto, what shall be deemed the close season in such province or in certain districts thereof for a period not exceeding six months during the year. It shall not be lawful for any person to take, kill, or destroy any birds, beasts, or fishes mentioned in the schedule hereto annexed within the province or district, during the period so declared close.

No person to take, kill, &c., without license.

4 No person shall take, kill, or destroy any birds, beasts, or fishes mentioned in the schedule hereto annexed without taking out a license empowering him to do so. It shall be lawful for the government agent of any province, within the limits of such province, or the chairman of the local board, where a local board is established, within the limits of such board, to grant such licenses on such conditions

* Proclaimed the 1st day of January, 1894.

as shall be therein imposed, or to refuse the same, or to revoke the same after they shall have been once granted, as shall seem fit. Provided that any person to whom a license may be refused, or whose license may be revoked, shall be at liberty to apply to the Governor for redress; and it shall be competent to the Governor to make such order on the application as to him shall seem fit.

Proviso.

Reference to Governor.

5 The application for a license must be in writing; the license shall bear a stamp of five rupees, to be supplied by the applicant.

Application for license in writing. Stamp on license.

6 The licenses granted under this Ordinance shall in no case be assignable or transferable, nor shall any person be deemed entitled to take, kill, or destroy any birds, beasts, or fishes mentioned in the schedule hereto except the person actually named in such license.

License not transferable.

7 Nothing in the said licenses contained shall be held to allow the taking, killing, or destroying of birds, beasts, and fishes in the close season which is hereby expressly prohibited.

Killing, &c., in close season prohibited.

8 It shall be lawful for the Governor, with the advice of the Executive Council, from time to time to make regulations respecting the taking, killing, or destroying of birds, beasts, and fishes mentioned in the schedule hereto, and such regulations at any time to repeal, alter, or amend, and all licenses issued under this Ordinance shall be subject to such regulations, and any breach thereof shall be punishable as a breach of such license. Provided that such regulations shall not be inconsistent with the provisions of this Ordinance; and all such regulations or any repeal, alteration, or amendment thereof shall be published in the *Government Gazette.*

Governor to make regulations.

Proviso.

9 The following penalties are imposed for the following acts, which are hereby declared to be offences under this Ordinance—

Penalties.

(1) Any person who shall take, kill, or destroy any birds, beasts, or fishes mentioned in the schedule hereto within any province or district in respect of which the close season shall have been declared, and during the period so declared close, shall be liable on conviction to a fine not exceeding one hundred rupees, and in default of payment to simple or rigorous imprisonment for a period not exceeding one month.

(2) Any person who shall take, kill, or destroy any birds, beasts, or fishes mentioned in the schedule hereto without a license, or after the time for which the license shall be in force, or contrary to the tenor of such license, shall be liable on conviction to a fine not exceeding one hundred rupees, and in default of payment to simple or rigorous imprisonment for a period not exceeding one month.

(3) Any person who shall transfer his license, and any person who shall accept a transferred license, shall each be liable to a fine not exceeding one hundred rupees, and in default of payment to simple or rigorous imprisonment for a period not exceeding one month.

(4) Any person in whose possession shall be found during the period which shall have been declared close in the province or district any of the birds, beasts, or fishes mentioned in the schedule hereto, alive or dead, or the flesh thereof, which he shall not be able to account for satisfactorily, shall be liable on conviction to a fine not exceeding one hundred rupees, and in default of payment to simple or rigorous imprisonment for a period not exceeding one month.

Police court to have jurisdiction.

10 Every prosecution under this Ordinance may be instituted in the police court of the division in which the offence was committed or where the offender is found, anything in "The Criminal Procedure Code, 1883," or in any other Ordinance to the contrary notwithstanding.

Informer's share.

11 It shall be lawful for the court imposing a fine under this Ordinance to award to the informer any share not exceeding a moiety of so much of the fine as is actually recovered and realized.

Burden of proof.

12 (1) In any prosecution instituted under this Ordinance against any person for having taken, killed, or destroyed any birds, beasts, or fishes without a license, the burden of proof that he holds a license shall be on the party accused, and until the contrary shall be proved he shall be deemed to have no license.

(2) When a person is charged with any offence against this Ordinance, he may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon may give evidence in the same manner and with the like effect and consequence as any other witness.

SCHEDULE.

Birds.	Beasts.	Fishes.
Pheasant	Roe Deer	Trout
English Partridge	Fallow Deer	Perch
French Partridge	English Hare	Tench
Francolin		Gourami
Sand Grouse		

12th December, 1893.

BENGAL SECRETARIAT LIBRARY

No. 7 of 1893.

An Ordinance relating to Rabies.

Preamble

WHEREAS it is expedient to provide for the suppression of hydrophobia in this island: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:

Short title. Date of operation.

1 This Ordinance may for all purposes be cited as "The Rabies Ordinance, 1893;" and it shall come into operation on such date as the Governor shall, by Proclamation to be published in the *Government Gazette*, appoint.*

Repealing clause

2 There shall be repealed as from and after the date of this Ordinance coming into operation the Ordinance No. 9 of 1842, intituled "An Ordinance for the prevention of mischief by Dogs," and all regulations heretofore made thereunder. Provided that such repeal shall not affect any liability, penalty, forfeiture, or punishment incurred under the last-mentioned Ordinance or any regulations made thereunder, or any investigation, legal proceeding, or remedy in respect of any such liability, penalty, forfeiture, or punishment; and any such investigation, legal proceeding, or remedy may be carried on as if this Ordinance had not passed.

Definitions

3 In this Ordinance, unless the subject or context otherwise requires—

"Disease"

"Disease" means rabies, and "diseased" means affected with rabies.

"Stray dog"

"Stray dog" means any dog wandering at large and not being under the control or charge of any person.

"Suspected"

"Suspected" means suspected of rabies, and "suspected animal" includes any animal which has been bitten by any diseased or suspected dog, or which has been in contact with any diseased or suspected animal, or which has been otherwise exposed to the infection of rabies.

"Local authority."

The words "local authority" denote a person falling under any of the descriptions hereafter following, viz.:

(*a*) Within the limits of a municipality, the chairman of the municipal council.

(*b*) Within the limits of a local board, the chairman thereof.

(*c*) Outside the limits of a municipality or local board and within the limits of the province or district respectively, the government agent or assistant government agent thereof.

* Proclaimed the 1st day of January, 1894

(*d*) Every police officer and every person duly authorized in writing by the chairman of a municipal council or local board or by the government agent or assistant government agent to act in his behalf for the purpose of carrying out the provisions of this Ordinance.

"Police officer."

"Police officer" includes inspectors, sergeants, and constables of police, and all headmen and peace officers.

All stray dogs to be seized.

4 Every local authority shall cause all stray dogs found within his jurisdiction to be seized, and such dogs shall be dealt with as follows:

How to be dealt with.

(1) If the dog is not diseased or suspected, it shall be detained in some proper place and be there kept for such period as the local authority may think expedient, provided that where the owner or other person who had charge of the dog is known, the local authority shall cause notice to be forthwith given to either of them of the seizure and detention of the dog, and upon receiving payment of the reasonable expenses incurred in respect of such seizure and detention, shall deliver the dog to the person noticed or his agent, without prejudice however to the recovery of any penalty for the infringement of any of the provisions of this Ordinance.

Unclaimed dogs.

(2) If the dog so seized and detained be not claimed within two days after the notice aforesaid has been served, or, in case no owner or other person is known to be in charge of the dog, within three days of such seizure, or in case of non-payment of the reasonable expenses incurred in respect of such seizure and detention, it shall be competent to the local authority to cause the dog to be destroyed or otherwise disposed of in such manner as the local authority shall deem expedient.

Owner, who

5 Every person who shall knowingly suffer a dog to make such person's house or premises its ordinary place of resort shall be deemed and held to be the owner of such dog for the purposes of this Ordinance, and shall be liable civilly and criminally for all mischief done and all acts of nuisance committed by such dog.

Ferocious dogs may be killed.

6 It shall be lawful for any person to kill upon the spot any dog which shall attack him, and to pursue and kill any dog not being securely tied up or otherwise confined which he shall have reasonable ground to believe to be diseased.

Notice by owner or possessor of diseased dog or other animal to police officer.

7 (1) Every owner or other person having under his charge a dog or other animal which is diseased or suspected, or has been bitten by a dog or other animal reasonably suspected, shall cause such dog or animal to be securely tied or otherwise confined, and shall forthwith give notice of the

fact of such dog or animal being so diseased, suspected, or bitten, to a police officer of the district wherein the dog or animal so diseased, suspected, or bitten, is or was.

Police officer to inform local authority. Local authority to inform Principal Civil Medical Officer and Government Veterinary Surgeon

(2) The police officer receiving such notice shall forthwith transmit the information to the local authority specified in (*a*), (*b*), and (*c*) of section 3 of this Ordinance, who shall likewise inform the Principal Civil Medical Officer and the Government Veterinary Surgeon.

Duty of police officer.

(3) It shall be the duty of every such police officer—

(*a*) To kill every dog or other animal which is diseased or which after any visit and inspection is found to have become diseased ;

(*b*) From time to time to visit and inspect any such suspected or bitten dog or other animal ;

(*c*) After every visit and inspection to report the condition of such dog or other animal to the local authority specified in (*a*), (*b*), and (*c*) of section 3, within whose jurisdiction such dog or other animal is ; and such local authority shall determine the time when such visits and inspection shall cease.

Police officer to proceed to place where rabies exist.

8 A police officer receiving credible information of the existence of rabies, or having reasonable ground to suspect the existence of rabies, shall forthwith proceed to the place where such rabies is reported to exist, and put in force the powers conferred on him by this Ordinance or by the regulations made thereunder.

Regulations.

9 It shall be lawful for the local authority specified in (*a*), (*b*), and (*c*) of section 3 of this Ordinance to give public warning by notification in the *Government Gazette* and by beat of tom-tom, and by such other means as he may deem expedient, of the existence of rabies within his jurisdiction, and it shall be lawful for any such local authority (subject to the approval of His Excellency the Governor, with the advice of the Executive Council) from time to time or at any time to make, and when made revoke, add to, alter, and amend regulations for the following purposes, or any of them :

(*a*) For providing for the muzzling of dogs while in or on any public road or place, with such exemptions (if any) as the local authority may think fit.

(*b*) For providing for the keeping of dogs under control by the owner or person in charge thereof in such manner as may be prescribed by such regulations.

(*c*) For providing for the seizure, detention, and disposal, including destruction, of dogs not being kept under control in the manner prescribed by such regulations.

(*d*) For providing for the recovery by the local authority of the expenses incurred in respect of the detention of any dog seized and detained and disposed of under any such regulations from the owners thereof

(*e*) For prohibiting or regulating the holding of shows or exhibitions of dogs, and the exposing of dogs for exhibition or sale thereat.

Publication of regulations.

10 Any regulation when made, added to, altered, or amended by the local authority and approved of by the Governor, with the advice of the Executive Council, under this Ordinance, shall be published in the *Government Gazette*, and shall when so published, until the same is revoked in manner aforesaid, have the force of law.

Destruction of diseased dogs. Destruction of suspected dogs and diseased animals other than dogs. Notice by owner to local authority and reference to Governor.

11 Every police officer and every person duly authorized under section 3, sub-section (*d*), shall cause to be destroyed every diseased dog within his district, and if he thinks fit any suspected dog or any diseased animal other than a dog within his district, provided that if the owner of such dog or animal gives notice in writing to the local authority that he objects to such dog or animal being destroyed, the local authority shall cause it to be examined by a medical officer of the civil medical department, and if such officer is of opinion that such dog or animal ought to be destroyed, the local authority shall cause the same to be destroyed.

Penalties for offences.

12 The following penalties are imposed for the following acts and omissions which are hereby declared to be offences under this Ordinance :

Contravention of regulations.

(1) If anything is done or omitted to be done in contravention of this Ordinance or of any regulations made by a local authority under section 9 of this Ordinance, the owner of the dog and the person for the time being in charge thereof shall each, according to and in respect of his own acts and defaults, be liable on conviction to a fine not exceeding one hundred rupees.

Penalty for failure to give notice under section 7.

(2) Any owner or person knowingly having in his possession a diseased or suspected dog or other animal, or a dog or other animal which has been bitten by a dog or other animal reasonably suspected to be diseased, shall, if he fail to give notice of the same to a police officer as required by section 7 of this Ordinance, be liable on conviction to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for a period not exceeding three months, or both.

Failure of police officer to perform duty imposed under section 7.

(3) Every police officer receiving notice as regards a diseased dog shall, if he fail to perform any duty imposed on him by section 7 of this Ordinance, be liable on conviction to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for a period not exceeding three months, or both.

Allowing diseased dogs to go at large.

(4) Every owner of a dog or other animal which is diseased or suspected, or has been bitten by a dog or other animal reasonably suspected to be diseased, who shall permit the same to go at large after being

informed or knowing it to be diseased, suspected, or to have been bitten by any dog or animal suspected to be diseased, shall be liable on conviction to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for a period not exceeding three months, or both.

Police court to have jurisdiction.

13 Every prosecution under this Ordinance may be instituted in the police court of the division in which the offence was committed or where the offender is found, anything in the Criminal Procedure Code or in any other Ordinance to the contrary notwithstanding.

Informer's share.

14 It shall be lawful for the court imposing a fine under this Ordinance to award to the informer any share not exceeding a moiety of so much of the fine as is actually recovered and realized.

12th December, 1893.

No. 8 of 1893.

An Ordinance relating to Pawnbrokers.

Preamble.

WHEREAS it is expedient to provide for the regulation of the business of pawnbrokers: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance may be cited as "The Pawnbrokers' Ordinance, 1893."

Interpretation.

2 In this Ordinance—

"Pawnbroker" includes every person who carries on the business of taking goods in pawn.

"Pawner" means a person delivering an article for pawn to a pawnbroker.

"Pledge" means an article pawned with a pawnbroker.

"Shop" includes dwelling house and warehouse, or other place of business, or place where business is transacted.

"Unfinished goods or materials" include any goods of any manufacture or of any part or branch of any manufacture either mixed or separate, or any materials whatever plainly intended for the composing or manufacturing of any goods, after such goods or materials are put into a state or course of manufacture, or into a state for any process or operation to be performed thereupon or therewith, and before the same are completed or finished for the purpose of wear or consumption.

Pawnbrokers.

Keepers of certain shops to be deemed pawnbrokers.

3 The following persons shall be deemed to be persons carrying on the business of taking goods in pawn (that is to say), every person who keeps a shop for the purchase or sale of goods, or for taking in goods by way of security for money advanced thereon, and who purchases or receives or takes in goods, and pays or advances or lends thereon any sum of money not exceeding five hundred rupees, with or under an agreement or understanding expressed or implied, or to be from the nature and character of the dealing reasonably inferred, that those goods may be afterwards redeemed or re-purchased on any terms; and every such transaction, article, payment, advance, and loan shall be deemed a pawning, pledge, and loan respectively, within this Ordinance.

Application of Ordinance.

4 This Ordinance shall apply only where the sum lent by a pawnbroker at any one time does not exceed five hundred rupees.

Pawnbrokers to keep books as in schedule.

5 (1) A pawnbroker shall keep and use in his business such books and documents as are described in schedule I. to this Ordinance, in the forms therein indicated, and shall from time to time, as occasion demands, enter therein in a fair and legible manner the particulars indicated in and in accordance with the directions of that schedule, and shall make all inquiries necessary for that purpose. Such books, documents, and forms may be kept and used in English, Sinhalese, or Tamil.

Name to be painted over door.

(2) A pawnbroker shall always keep exhibited in large characters over the outer door of his shop his name, with the word "Pawnbroker" affixed in the English, Sinhalese, and Tamil languages.

Hours of business.

(3) A pawnbroker shall not take any article on pawn before 8 A.M. in the morning and after 8 P.M. at night.

Penalty.

(4) If a pawnbroker fails in any respect to comply with the requisitions of this section, he shall be guilty of an offence against this Ordinance, and be liable on conviction to a fine not exceeding one hundred rupees.

Pawn tickets to be given for pledges.

6 A pawnbroker shall, on taking any article in pawn, give to the pawner a pawn ticket, and shall not take any article in pawn unless the pawner takes the pawn ticket.

Agents, servants, &c., of a pawnbroker.

7 For the purpose of this Ordinance, anything done or omitted by the servant or agent of a pawnbroker in the course of or in relation to the business of the pawnbroker shall be deemed to be done or omitted (as the case may be) by the pawnbroker, and anything by this Ordinance authorized to be done by a pawnbroker may be done by his servant or agent.

Profit and charges allowed to pawnbrokers.

8 A pawnbroker may take profit on a loan on a pledge at a rate not exceeding that specified in schedule II. to this Ordinance.

A pawnbroker may demand and take the charges specified in the same schedule, in the cases and according to the rules therein stated and prescribed.

A pawnbroker shall not, in respect of a loan on a pledge, take any profit or demand or take any charge or sum whatever other than those specified in the same schedule.

A pawnbroker shall, if required at the time of redemption, give a receipt for the amount of loan and profit paid to him; and such a receipt shall not be liable to stamp duty unless the profit amounts to twenty rupees or more.

Pledges redeemable within one year, and seven days of grace.

9 Every pledge shall be redeemable within twelve months from the day of pawning, exclusive of that day; and there shall be added to that year of redemption seven days of grace within which every pledge, if not already redeemed, shall continue to be redeemable.

Pledges for five rupees and under, not redeemed in time, forfeited.

10 A pledge pawned for five rupees or under, if not redeemed within the year of redemption and days of grace, shall, at the end of the days of grace, become and be the pawnbroker's absolute property.

Pledges above five rupees redeemable until sale.

11 A pledge pawned for above five rupees shall further continue redeemable until it is disposed of as in this Ordinance provided, although the year of redemption and days of grace are expired.

Sale by auction of pledges above five rupees.

12 A pledge pawned for above five rupees shall, when disposed of by the pawnbroker, be disposed of by sale by public auction and not otherwise; and the regulations in schedule III. to this Ordinance shall be observed with reference to the sale.

A pawnbroker may bid for and purchase at a sale by auction, made or purporting to be made under this Ordinance, a pledge pawned with him; and on such purchase he shall be deemed the absolute owner of the pledge purchased.

Offences by auctioneer.

13 If an auctioneer does anything in contravention of the provisions of this Ordinance relating to auctioneers, or fails to do anything which he is required by this Ordinance to do, he shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred rupees.

Power to inspect sale books.

14 At any time within two years after the auction at which a pledge pawned for above five rupees is sold, the holder of the pawn ticket may inspect the entry of the sale in the pawnbroker's book and in the filled-up catalogue of the auction authenticated by the signature of the auctioneer, or in either of them. Where such pledge appears to have been sold for more than the amount of the loan and interest due at the time of the sale, the pawnbroker shall on demand pay the surplus to the holder of the pawn ticket, in case the demand is made within two years after sale, deducting the necessary costs and charges of the sale.

Offences as to pledges above five rupees.

15 If, in regard to pledges for loans of above five rupees, a pawnbroker—

(1) Does not *bonâ fide*, according to the direction of this Ordinance, sell a pledge pawned with him ;

(2) Enters in his book a pledge as sold for less than the sum for which it was sold, or fails duly to enter the same ;

(3) Refuses to permit any person entitled under this Ordinance to inspection of an entry of sale in the pawnbroker's book, or of a filled-up catalogue of the auction authenticated by the auctioneer's signature, to inspect the same ; or

(4) Fails without lawful excuse (proof whereof shall lie on him) to produce such a catalogue on lawful demand ; or

(5) Refuses to pay on demand the surplus to the person entitled to receive the same ; or

(6) Takes in respect of any loan or a pledge any profit or demand other than that specified in schedule II.,

he shall in every such case be guilty of an offence, and shall be liable on conviction before a police court to a fine not exceeding one hundred rupees.

Holder of pawn ticket entitled to redeem

16 The holder for the time being of a pawn ticket shall be presumed to be the person entitled to redeem the pledge, and subject to the provisions of this Ordinance the pawnbroker shall, on payment of the loan and profit, deliver the pledge to the person producing the pawn ticket, and he is hereby indemnified for so doing. Provided, however, if the pawnbroker has reason to suspect that such holder has stolen or otherwise illegally obtained possession of the pawn ticket, the pawnbroker may seize and detain the person and the ticket and deliver them as soon as may be to an officer of police or village headman, who shall forthwith convey the person and the ticket before a court of competent jurisdiction to be dealt with according to law.

Liability of pawnbrokers in case of fire.

17 Where a pledge is destroyed or damaged by or in consequence of fire, the pawnbroker shall nevertheless be liable, on demand, within the period of redemption, to pay the value of the pledge, after deducting the amount of the loan and interest.

A pawnbroker shall be entitled to insure to the extent of the value of the article pawned.

Compensation for depreciation of pledge

18 If a person entitled and offering to redeem a pledge shows to the satisfaction of a civil court of competent jurisdiction that the pledge has become, or has been rendered, of less value than it was at the time of the pawning thereof, by or through the default, neglect, or wilful misbehaviour of the pawnbroker, the court may, if it thinks fit, award a reasonable satisfaction to the owner of the pledge, and the

amount awarded shall be deducted from the amount payable to the pawnbroker, or shall be paid by the pawnbroker in such manner as the court directs.

Protection of owners and of pawners not having pawn tickets.

19 (1) Any person claiming to be the owner of a pledge, but not holding the ticket, or any person claiming to be entitled to hold a pawn ticket, but alleging that the same has been lost, stolen, mislaid, destroyed, or fraudulently obtained from him, who shall deliver to the pawnbroker a declaration in the form prescribed in schedule IV., duly made before a justice of the peace by himself and by the person identifying him, shall thereupon have, as between himself and the pawnbroker, all the same rights and remedies as if he produced the pawn ticket.

Pawnbroker indemnified when acting in conformity to declaration.

(2) The pawnbroker is hereby indemnified for delivering the pledge or otherwise acting in conformity with the declaration, unless he has actual or constructive notice that the declaration is fraudulent or false in any material particular.

Penalty for false declaration.

(3) If any person makes a declaration under this Ordinance either for himself or as identifying another knowing the same to be false in any material particular, he shall be guilty of an offence, and shall be liable on conviction to be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Unlawful pawning of goods not property of pawner.

20 If any person without lawful excuse pawns with a pawnbroker anything, being the property of another person, he shall be guilty of an offence, and shall be liable on conviction to be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Proceedings where persons offering articles in pawn do not give a good account of themselves.

21 If any person—

(*a*) Offers to a pawnbroker an article by way of pawn, but refuses or is unable to give a satisfactory account of the means by which he became possessed of it; or

(*b*) Wilfully gives false information to a pawnbroker as to whether an article offered by him in pawn to the pawnbroker is his own property or not, or as to his name and address, or as to the name and address of the owner of the article; or

(*c*) Attempts or endeavours to redeem a pledge, not being entitled to redeem,

he shall be guilty of an offence, and be liable on conviction to a fine not exceeding one hundred rupees.

In every such case, and also in any case where, on an article being offered in pawn, a pawnbroker has reason to suspect that it has been stolen or otherwise illegally obtained, he may seize and detain the person and the article and deliver them, as soon as may be, into the custody of an officer of police or village headman, who shall forthwith convey the person and the article before a court of competent jurisdiction to be dealt with according to law.

Prohibition of taking in pawn linen, clothing, unfinished goods, &c., in certain cases.

22 If a pawnbroker knowingly takes in pawn any linen or apparel, or unfinished goods or materials entrusted to any person to wash, scour, iron, mend, manufacture, work up, finish, or make up, he shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred rupees; and the pawnbroker shall also restore the pledge to the owner thereof in the presence of the court or as the court directs.

Whenever, in any proceeding under this Ordinance, it shall be made to appear to a court that any article is in the unlawful possession of any pawnbroker, it shall be competent to such court to order the production of the article and its delivery to any person named by such court, under such terms, if any, as it may think proper.

Offences by pawnbrokers.

23 If a pawnbroker does any of the following things:

(1) Takes an article in pawn from any person appearing to be under the age of sixteen years or to be intoxicated; or takes an article in pawn without giving the pawner a pawn ticket;

(2) Purchases, or takes in pawn or exchange, a pawn ticket issued by another pawnbroker;

(3) Employs any servant apparently under the age of twenty-one years to take articles in pawn;

(4) Purchases, except at public auction, any pledge while in pawn with him;

(5) Suffers any pledge while in pawn with him to be redeemed with a view to his purchasing it;

(6) Agrees with any person, pawning or offering to pawn any article, for the purchase, sale, or disposition thereof within the time of redemption;

(7) Sells or otherwise disposes of any pledge pawned with him, except at such time and in such manner as is authorized by this Ordinance;

(8) Seizes or detains any person under the provisions of section 16 or 21 without reasonable or probable cause;

he shall be deemed guilty of an offence, and be liable on conviction to a fine not exceeding one hundred rupees, or to imprisonment, either rigorous or simple, for a term not exceeding six months.

Yearly license.

24 Every pawnbroker shall yearly take out from the government agent of the province or the assistant government agent of the district where the pawnbroker resides, a license for carrying on his business, and such license shall be in the form contained in schedule I., and shall bear a stamp of twenty rupees. And such government agent and assistant government agent shall forward to the Inspector-General of Police for his information a copy of each license issued.

Every license shall be dated on the day on which it is issued, and shall determine on the thirty-first day of July next ensuing.

If a person acts as a pawnbroker without a license as herein provided, he shall be liable for every such act to a fine not exceeding one hundred rupees, or to imprisonment, either rigorous or simple, for a term not exceeding six months.

Refusal of licenses.

25 A license shall not be refused except on any of the following grounds :

(1) That the applicant has failed to produce satisfactory evidence of good character; or is an auctioneer; or has been at any time within five years from the date of such application found guilty of any acts rendered punishable under the 11th, 13th, 17th, or 18th chapters of the Penal Code, or under the provisions of this Ordinance ;

(2) That the shop in which he intends to carry on the business of a pawnbroker, or any adjacent house or place possessed by him, is frequented by thieves or persons of bad character, or is used for the sale of intoxicating liquor, opium, or bhang.

Cesser of license on conviction.

26 If a pawnbroker is convicted of any offence under this Ordinance, or of any fraud in his business, or of receiving stolen goods knowing them to be stolen, the government agent shall, if he thinks fit, withdraw any such pawnbroker's license and publish notice of such withdrawal in the *Government Gazette*, and such license shall thereupon be deemed and taken to be withdrawn, and shall be of no further force or effect ; and any such pawnbroker who shall carry on his business after such withdrawal shall be guilty of an offence, and be liable on conviction to six months' rigorous imprisonment.

Pawnbroker must not carry on business of auctioneer.

27 It shall not be lawful for a pawnbroker to act as or carry on the business of an auctioneer, and any pawnbroker committing a breach of this section shall be guilty of an offence, and shall be liable on conviction to rigorous imprisonment for a term not exceeding six months.

Pawnbroker's book subject to examination.

28 It shall be lawful for a police magistrate to order a pawnbroker to attend before him on a day and hour to be named in writing, and to produce for examination all books and papers relating to his business.

If upon the receipt of such an order he fails without lawful cause to appear with his books and papers, he shall be liable on conviction to a fine not exceeding one hundred rupees.

Inspector of police may enter and search pawnbroker's residence.

29 It shall be lawful for any officer of police not below the rank of inspector to enter any pawnbroker's shop or residence at any hour of the day and examine and take note of any article pledged with the pawnbroker, or any books and papers kept by him.

Whoever resists such officer of police in the execution of this duty shall be liable on conviction to a fine not exceeding one hundred rupees.

Accused may give evidence.

30 A person charged with an offence against this Ordinance may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon may give evidence in the same manner and with the like effect and consequences as any other witness.

Imprisonment in default of payment of fine.

31 It shall be competent for the court before which any person has been convicted of any offence under this Ordinance and sentenced to pay a fine, to award, in default of payment of such fine, imprisonment, either rigorous or simple, for a term not exceeding six months, anything in the Ceylon Penal Code to the contrary notwithstanding.

Ordinance only to have effect within limits appointed by Governor.

32 This Ordinance shall have effect only within such limits as the Governor shall by Proclamation from time to time appoint; and it shall be lawful for the Governor from time to time, by Proclamation, to alter, amend, or cancel any Proclamation issued under this section.

SCHEDULE I.

1.—Form of Pledge Book.

Pledge Book of ———, Pawnbroker, of ———.

No. of Pledge in the Month.	Amount of Loan upon each Article.	Profit or Interest charged upon each Article.	Name of Pawner.	Address of Pawner.	Name of Owner, if other than Pawner.	Description of each Article Pawned.	Value of each Article.	Date of Redemption.	Name and Address of person redeeming.
	Rs. c.	Rs. c.					Rs. c.		

2.—Pawn Ticket.

No. of Ticket, ——.

Pawned with ———, Pawnbroker, residing at No. ——— of ——— street, this ——— day of ———, 18 —, by ———, of ———, for ——— rupees (*name and description of articles*), valued at ——— rupees.

———

Signature of Pawnbroker.

3.—Sale Book of Pledges.

Date and Place of Sale : ———.
Name and Address of Auctioneer : ———.

Number of Pledge as in Pledge Book.	Date of Pawning.	Name of Pawner.	Amount of Loan.	Amount for which each Pledge was sold by Auctioneer.	Name and Address of Purchaser.

4.—Receipt.

Date : ———.

Received on redemption of Pledge No. —— : Rs. c.
Amount of loan ... ...
Profit or interest ... ...

——— Total ...

5.—Form of License.

(Section 24.)

I, ———, Government Agent of the ——— Province (*or* Assistant Government Agent for the ——— District), do hereby authorize and license ———, of ———, to carry on the business of a Pawnbroker at ———, within the limits of ———, in the——— District, under the provisions of "The Pawnbrokers' Ordinance, 1893."

This license will expire on July 31, 18 —.

SCHEDULE II.

Profit and Charges allowed to Pawnbrokers.

Part I.—Profit on Loan.

	Cents.
A.—On a loan of twenty rupees or under :	
For any time during which the pledge remains in pawn, not exceeding one month, for every rupee or fraction of a rupee lent	2
For every month after the first, including the current month in which the pledge is redeemed, although that month is not expired, for every rupee or fraction of a rupee lent	2
Proviso.—If the pledge is redeemed before the end of the first fourteen days after the expiration of any month, the pawnbroker shall, in respect of those fourteen days, be entitled to take half of the amount which he would be entitled to take for the whole month.	
B.—On a loan of above twenty rupees :	
For every month or part of a month, for every sum of one rupee and twenty-five cents or fraction of a sum of one rupee and twenty-five cents ...	2
Part II.—Charge on Pawn Ticket.	
Where the loan is five rupees or under ...	2
Where the loan is above five rupees... ...	4

SCHEDULE III.

Regulations as to Auctions of Pledges above Five Rupees.

1. The auctioneer shall cause all pledges to be exposed to public view.

2. He shall publish catalogues of the pledges, stating—

(1) The pawnbroker's name and place of business ;
(2) The month in which each pledge was pawned ;
(3) The number of each pledge as entered at the time of pawning in the pledge book.

3. The pledges of each pawnbroker in the catalogue shall be separate from any pledges of any other pawnbroker.

4. The auctioneer shall insert in some public newspaper an advertisement giving notice of the sale, and stating—

(1) The pawnbroker's name and place of business ;
(2) The months in which the pledges were pawned.

5. The advertisement shall be inserted on two several days in the same newspaper, and the second advertisement shall be inserted at least ten clear days before the first day of sale.

6. Where a pawnbroker bids at a sale, the auctioneer shall not take the bidding in any other form than that in which he takes the biddings of other persons at the same sale ; and the auctioneer on knocking down any article to a pawnbroker shall forthwith declare audibly the name of the pawnbroker as purchaser.

7. The auctioneer shall, within fourteen days after the sale, deliver to the pawnbroker a copy of the catalogue, or of so much thereof as relates to the pledges of that pawnbroker, filled up with the amounts for which the several pledges of that pawnbroker were sold, and authenticated by the signature of the auctioneer.

8. The pawnbroker shall preserve every such catalogue for three years at least after the auction.

SCHEDULE IV.

Declaration where Pawn Ticket lost, &c.

☞ Take notice, if this declaration is false the person making it is punishable.

I, *A. B.*, ———, of ———, in pursuance of "The Pawnbrokers' Ordinance, 1893," do solemnly and sincerely declare that ——— pledged at the shop of ———, Pawnbroker, the article (*or* articles) described below, being ——— property, and received a pawn ticket for the same, which has since been ——— by ———, and that the pawn ticket has not been sold or transferred to any person by ——— or to ——— knowledge or belief.

The article (*or* articles) above referred to is (*or* are) the following :

And I, *C. D.*, ———, of ———, in pursuance of the same Ordinance, do solemnly and sincerely declare that I know the person now making the foregoing declaration to be *A. B.*, ——— of ———.

Declared before me
this —— day of ——, 18 —, }

———

Justice of the Peace.

12th December, 1893.

No. 9 of 1893.

An Ordinance to amend the Law relating to Butchers and the Slaughter of Cattle.

WHEREAS it is expedient to amend the law relating to butchers and the slaughter of cattle, and to provide for the establishment of public slaughter-houses: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows: Preamble

CHAPTER I.

1 This Ordinance shall come into operation on the fifteenth day of January, 1894, and may be cited as "The Butchers' Ordinance, 1893." Commencement and short title.

2 There shall be repealed, as and from the date of this Ordinance coming into operation— Repeal.

(*a*) The Ordinances specified in schedule I. to this Ordinance, to the extent in the third column of that schedule mentioned;

(*b*) So much of any other Ordinance as is inconsistent with this Ordinance.

Provided that this repeal shall not affect—

(*a*) The past operation of any enactment hereby repealed, nor anything duly done or suffered thereunder; nor

(*b*) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; nor

(*c*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; nor

(*d*) Any legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid, and such legal proceeding or remedy may be carried on as if this Ordinance had not passed.

Where any unrepealed Ordinance incorporates or refers to the provisions of the Ordinance hereby repealed, such unrepealed Ordinance shall be deemed to incorporate or refer to the corresponding provisions of this Ordinance.

3 In this Ordinance, unless the context otherwise requires— Interpretation.

"Government agent" shall include the government agent for the time being of the province and the assistant government agent for the time being of the district in which anything shall be done or may be required to be done under the provisions of this Ordinance. "Government agent."

"Butcher" shall include every person that slaughters animals or exposes for sale the meat of animals slaughtered in the colony. "Butcher."

"Licensed butcher."

"Licensed butcher" shall include every person who obtains a license under section 5 of this Ordinance.

"Cattle."

"Cattle" shall include oxen, bulls, cows, calves, and tame buffaloes.

"Animals."

"Animals" shall include cattle, sheep, goats, and pigs.

Proper authority.

4 The "proper authority" hereinafter mentioned shall be, within any town wherein a municipal council or local board of health and improvement has been or may hereafter be established, the chairman of such council or board or any person duly authorized by him in writing, and without the limits of any such town the government agent or any person duly authorized by him in writing.

License for butchers.

5 Every person carrying on the trade of a butcher shall apply for and obtain from the proper authority an annual license to carry on such trade. Every such license shall be, as near as may be, in the form A in schedule II. hereto, and shall cease to be in force on December thirty-first next ensuing the date thereof.

Butchers licensed for towns to give bonds.

6 Every person before he obtains a license to carry on the trade of a butcher shall, together with two sufficient sureties, execute and deliver to the proper authority issuing the license a joint and several bond for a sum not exceeding five hundred rupees, and the said bond and the conditions thereof (which conditions shall be settled by the proper authority) shall be, with such variations as the circumstances require, in the form B in schedule II. hereto.

License may be refused.

7 It shall be lawful for the proper authority, in the exercise of his discretion, upon just and reasonable grounds, to refuse to issue an annual license under the provisions of this Ordinance, or on like grounds to withdraw any such license and to publish notice of such withdrawal in the *Government Gazette*, and such license shall thereupon be taken and deemed to be withdrawn, and shall be of no further force or effect. And any person who shall carry on the trade of a butcher without a license, or after the withdrawal of a license, shall be guilty of an offence, and be liable on conviction to a fine not exceeding one hundred rupees, and in default of payment to imprisonment, either rigorous or simple, for a term not exceeding six calendar months.

Licenses voided on breach of bond.

8 On any judgment being recovered against any licensed butcher for breach of any of the conditions of the bond entered into by him, the license held by such butcher shall be deemed to be null and void from the date of such judgment.

Fees for licenses.

9 Every annual license issued to a licensed butcher shall bear a stamp of five rupees, to be supplied to the proper authority by the licensed butcher before the issue of such license.

Slaughtered cattle to be registered.

10 Every licensed butcher shall, on or before the seventh day of every month, register in the office of the proper authority a true and accurate report (as nearly as

possible) of the age, sex, colour, marks, and description of all cattle slaughtered by him in the preceding month, and the names and places of abode of the persons from whom the same were purchased or obtained, which said report shall be in the form C in schedule II. hereto.

Where and when animals to be slaughtered.

11 No licensed butcher shall slaughter any animal at any place other than—

(*a*) The place appointed by the proper authority ; or

(*b*) Any public slaughter-house as hereinafter provided ; nor between the hours of 6 P.M. and 6 A.M.

Cattle to be exposed before slaughter.

12 (1) No licensed butcher shall slaughter any cattle unless he shall have previously exposed the same to public view in some convenient spot appointed by the proper authority for a period of not less than twenty-four hours immediately preceding the time of slaughter.

Butcher not to slaughter diseased cattle.

(2) No licensed butcher shall slaughter any animal suffering from any disease, or expose for sale or cause to be exposed for sale the flesh of any such animal.

Unlawful to blow meat.

(3) No licensed butcher shall inflate with air or blow into or cause to be inflated with air any carcase or any part of the carcase of any animal by means of the human breath or by means of bellows or any other artificial mode whatever, nor shall he sell or expose for sale or cause to be sold or exposed for sale the flesh of any animal that has been so inflated.

Penalty on butchers.

13 Every licensed butcher who commits a breach of any of the provisions of the three preceding sections shall, upon conviction, be liable to a fine not exceeding one hundred rupees, and in default of payment to imprisonment, either rigorous or simple, for a term not exceeding six calendar months.

CHAPTER II.

Special Licenses for Slaughtering Cattle.

Special license.

14 It shall not be lawful for any person (not a licensed butcher) to slaughter any cattle unless he shall have obtained a special license from the proper authority for that purpose, which special license shall be, as near as may be, in the form D in schedule II. hereto, and shall bear a stamp of twenty-five cents, such stamp to be supplied to the proper authority by the licensee.

Place and conditions.

15 No person obtaining such special license shall slaughter cattle at any place other than the place named in such license, or in breach of any condition therein set forth.

Penalty.

16 Every person (not a licensed butcher) who shall slaughter cattle without a special license, or having obtained a special license shall slaughter cattle at a place other than

a place named in such license, or in breach of any condition therein set forth, shall, upon conviction, be liable to a fine not exceeding fifty rupees, and in default of payment to imprisonment, either rigorous or simple, for a term not exceeding three calendar months.

Notice of slaughter.

17 (1) No person shall slaughter cattle without giving forty-eight hours' previous notice of his intention so to do to the proper authority or to the person duly authorized by the proper authority to receive such notice.

Contents of such notice.

(2) Every such notice shall be in writing, and shall state, as nearly as possible, the age, sex, colour, marks, and description of each head of cattle, and shall be signed by the owner of the cattle intended to be slaughtered, and shall have attached to it a voucher or certificate of its ownership signed by some person duly authorized thereto by the proper authority.

Authorized person to inquire into truth of notice.

18 The duly authorized person on receiving the notice required by section 17 shall make inquiry into the truth thereof, and, if correct, shall certify its correctness on the back thereof under his signature, which shall be a sufficient warrant for the slaughter of the cattle therein mentioned; and any duly authorized person who shall falsely certify, or shall neglect or refuse duly to certify such notice, shall, upon conviction, be liable to a fine not exceeding fifty rupees, or to imprisonment, either rigorous or simple, for any period not exceeding three months.

Penalty.

19 Every person who shall slaughter cattle without giving the notice required by section 17, or who shall attach to such notice a voucher or certificate which is false, and every person who, having given such notice, shall slaughter cattle without having obtained from the duly authorized person the certificate required by section 18, shall, upon conviction, be liable to a fine not exceeding fifty rupees, and in default of payment to imprisonment, rigorous or simple, for a term not exceeding three months.

Possession of stolen cattle punishable.

20 Any person having in his possession stolen cattle, unless he shall produce a note in writing signed by the person from whom such cattle were received or purchased, containing a description of such cattle and the name and abode of such person, and attested by two witnesses, of whom one shall be the police vidáné, constable, or other headman of the district from which the cattle were removed, shall be liable to a fine not exceeding fifty rupees, and in default of payment to imprisonment, with or without hard labour, for any period not exceeding three calendar months.

Unlawful possession of beef.

21 Any person in whose possession shall be found any beef which he shall not be able satisfactorily to account for shall, upon conviction, be liable to a fine not exceeding fifty rupees, notwithstanding that no owner shall appear to prosecute or claim the same as his property.

CHAPTER III.

Public Slaughter-houses.

Public slaughter-houses to be proclaimed.

22 Whenever a building shall have been erected for the purposes of a public slaughter-house, and such building shall have been certified to the Governor by the proper authority as sufficient for the purposes of a public slaughter-house, the Governor may, with the advice and consent of the Executive Council, declare and proclaim such building to be a public slaughter-house.

Proper authority may make regulations

23 It shall be lawful for the proper authority to make, alter, amend, or revoke rules and regulations in reference to public slaughter-houses and to places appointed for the slaughtering of cattle as follows:

(*a*) As to the establishment, regulation, management, and general discipline thereof;

(*b*) As to the fees to be charged for the use of the slaughter-house or for slaughtering;

(*c*) As to the inspection of animals and as to the destroying or other disposal of diseased animals brought to a slaughter-house, or to a place appointed for the slaughtering of cattle by the proper authority.

For the purposes of this section, the proper authority shall be, in any town where a municipal council or local board of health has been or may hereafter be established, the municipal council or local board of health.

Provided that such rules and regulations shall not be contrary to any of the provisions of this Ordinance. Provided also that no rules or regulations or alterations, amendments, or revocations of any rule or regulation shall have any effect until the same are confirmed by the Governor in Executive Council, and that notice of such confirmation shall be published in the *Government Gazette* in the English, Sinhalese, and Tamil languages respectively; and such rules and regulations when so confirmed and published shall be as valid and effectual as if they had been herein enacted.

Diseased animals to be seized and destroyed.

24 It shall be lawful for the person having the charge and control of a public slaughter-house to seize or cause to be seized all unhealthy and diseased animals, and to have the same destroyed or otherwise disposed of as may be directed by regulation.

Penalty for breach of regulation.

25 Any person guilty of any breach of any rule or regulation made in pursuance of this Ordinance shall be liable to a fine not exceeding fifty rupees, or, in default of payment, to imprisonment, simple or rigorous, for any period not exceeding three months.

Municipal councils and local boards entitled to fees.

26 The municipal council shall be entitled to take and receive for the municipal fund all sums paid for fees and stamp duties for licenses by the inhabitants of the municipality under this Ordinance, and the local board of health and improvement of any town shall be entitled to take and receive for the local fund all such like sums paid by the inhabitants of such town.

Butchers.

SCHEDULE I.

No. and Year.	Title.	Extent of Repeal
14 of 1859	An Ordinance to amend "The Law relating to Butchers and the private killing of Cattle, and to provide for the establishment of Public Slaughter-houses"	The whole Ordinance
7 of 1876	"The Local Board of Health and Improvement Ordinance, 1876"	So much of section 26 as refers to Ordinance No. 14 of 1859, and the whole of sub-section (6) of section 35
7 of 1887	"The Municipal Councils' Ordinance, 1887"	Sub-section (*l*) of section 122, and so much of section 132 as refers to Ordinance No. 14 of 1859

SCHEDULE II.

A.—General License for Butchers.

——— has permission to slaughter animals and carry on the trade at ——— of a butcher, conforming himself to the Ordinance No. 9 of 1893.

This license to be in force till December 31, 18 —.

B.—Bail Bond.

Know all Men by these Presents that ———, of ———, and ———, of ———, and ———, of ———, are jointly and severally held and firmly bound unto Her Majesty the Queen, her heirs and successors, in the penal sum of ——— of lawful money of Ceylon, to be paid to her said Majesty or her heirs and successors, for which payment well and truly to be made we bind ourselves, jointly and severally, our heirs, executors, administrators, and assigns firmly by these presents.

Dated the ——— day of ———, 18 —.

Whereas the said ——— has been duly licensed as a licensed butcher by ———, under Ordinance No. 9 of 1893. Now the condition of the above obligation is such that if the said ———, as long as he shall hold a license, shall carry on and occupy the trade of a butcher within the ———, in accordance and conformity with the enactments and provisions of the said Ordinance and of the rules and regulations made thereunder, then the above-written bond or obligation shall be void, otherwise shall remain in full force and virtue.

Butchers.

C.—Report of Cattle Slaughtered.

Date of Purchase.	Description.	Colour.	Age.	Brandmarks.	From whom purchased.	Seller's place of Residence.	Date of Slaughter.	Remarks.

I, ———, do hereby declare that the above is a correct report of cattle slaughtered by me during the month of ———, 18 —.

Colombo, ———, 18 —.

———

Signature.

D.—License to Slaughter Cattle.

The bearer, ———, has permission to slaughter the undermentioned ——— at ———, on the ———, conforming himself to the Ordinance No. 9 of 1893.

Description.	Colour.	Age.	Brandmarks.	Remarks or Conditions.
One bullock	*Black*	*14*		

(The spaces occupied by the words in italics are to be filled up as the case may be.)

Colombo, ———, 18 —.

12th December, 1893.

No. 14 of 1893.

An Ordinance to amend "The Village Communities' Ordinance, 1889."

Preamble

WHEREAS it is expedient to alter and amend in certain particulars "The Village Communities' Ordinance, 1889," hereinafter called "the principal Ordinance:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Governor may exempt any division or part thereof from the operation of this Ordinance.

1 After section 4 of the principal Ordinance the following section shall be added, and numbered 4 (*a*), namely:

It shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation from time to time to be issued by him for that purpose, to exempt from the operation of this Ordinance any chief headman's division or part thereof which shall have been brought within the operation of this Ordinance under section 4. On such Proclamation being issued, the said division or part thereof shall cease to be liable to the provisions of this Ordinance.

To be read as one with Ordinance No. 24 of 1889.

2 This Ordinance may be cited as "The Village Communities' Amendment Ordinance, 1893," and shall be read as one with the principal Ordinance.

14th December, 1893.

No. 15 of 1893.

An Ordinance to amend "The Ceylon Court of Admiralty Ordinance, 1891."

Preamble.

WHEREAS it is expedient to amend "The Ceylon Court of Admiralty Ordinance, 1891," hereinafter referred to as "the principal Ordinance:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

To be read with principal Ordinance, No. 2 of 1891.

Short title.

1 This Ordinance shall be read as one with the principal Ordinance, and may be cited as "The Ceylon Court of Admiralty Ordinance, 1893," and this Ordinance and the principal Ordinance may be cited collectively as "The Ceylon Court of Admiralty Ordinances, 1891 and 1893."

Section 22 of Ordinance No. 2 of 1891 amended

Rules of court

2 For section 22 of the principal Ordinance the following section shall be substituted, namely:

(1) Rules of court for regulating the procedure and practice (including fees and costs) in the colonial court of admiralty and district courts in the exercise of the jurisdiction conferred by this Ordinance, whether original or appellate, may be made by the judges of the Supreme Court

or any two of them, of whom the Chief Justice shall be one, and in the same manner as general rules and orders may be made under the provisions of section 53 of "The Courts Ordinance, 1889."

Provided that the rules under this section shall not extend to matters relating to the slave trade, and shall not (unless otherwise ordered by Her Majesty in Council) come into operation until they have been approved by Her Majesty in Council, but on coming into operation shall have full effect as if enacted in this Ordinance; and any enactment inconsistent therewith shall, so far as it is so inconsistent, be repealed.

(2) The rules made under this section may provide for the exercise of any jurisdiction conferred by this Ordinance on the colonial court of admiralty by the full court or by any judge or judges thereof, and subject to any rules any judge of the Supreme Court may exercise in all actions, causes, and matters which come before such court sitting as a court of first instance, and not as a court of appeal, all or any part of the jurisdiction by this Ordinance conferred or intended to be conferred on the Supreme Court.

14th December, 1893.

No. 16 of 1893.

An Ordinance relating to the wearing and carrying of Knives.

Preamble.

WHEREAS the practice of wearing and carrying knives upon the person affords facilities for the infliction of dangerous wounds upon any sudden quarrel or provocation, and it has been established that a large proportion of the homicidal crime which has occurred in the island within recent years has been committed by the use of the knife: And whereas it is expedient, for the prevention of such crime, to restrict the practice aforesaid: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title. Commencement.

1 This Ordinance may be cited as "The Prevention of Crime Ordinance, 1893;" and it shall come into operation in such provinces, districts, or places, and at such time as the Governor in Executive Council shall appoint by Proclamation in the *Government Gazette*. Provided that at least one month's notice of such time shall be given in the province, district, or place described in such Proclamation, in such manner as the Governor shall in each case determine.

Definition.

2 In this Ordinance, unless the context otherwise requires—

"Knife" shall mean any knife with which a stabbing wound can be inflicted, but shall not include a knife which is commonly known as a penknife.

Powers of the Governor in Executive Council.

3 (1) It shall be lawful for the Governor, in Executive Council, by Proclamation in the *Government Gazette*—

(*a*) To revoke any Proclamation issued under section 1, and upon such revocation this Ordinance shall cease to have any effect in the province, district, or place described in such revoked Proclamation ; or

(*b*) To exempt from the operation of this Ordinance any portion or portions (to be defined) of any province, district, or place to which this Ordinance applies ; or

(*c*) To exempt, with or without conditions, any person or class of persons carrying on, engaged in, or employed in any profession, trade, business, manufacture, or occupation, whether agricultural or otherwise, from the provisions of this Ordinance.

(2) The Governor in Executive Council may, by Proclamation in the *Government Gazette*, re-issue any Proclamation revoked under sub-section (*a*), or alter, modify, or revoke any exemptions made under sub-sections (*b*) or (*c*).

Offence.

4 From and after the coming into operation of this Ordinance in any province, district, or place, it shall not be lawful for any person therein to wear or carry upon his person a knife elsewhere than in a dwelling house or the curtilage thereof.

Provided always that this section shall not apply—

(*a*) To any public servant as defined in section 19 of the Ceylon Penal Code ; or

(*b*) To any person in the naval. military, or volunteer service of Her Majesty.

Penalty.

5 (1) Whoever, in contravention of the last preceding section, shall wear or carry upon his person a knife, shall be guilty of an offence, and shall, upon a first conviction be liable to a fine not exceeding ten rupees, and upon every subsequent conviction to a fine not exceeding fifty rupees, or to simple or rigorous imprisonment not exceeding three months.

Forfeiture.

(2) The police magistrate who convicts the offender shall declare the knife in respect of which the offence has been committed to be forfeited, and shall cause such knife to be destroyed.

Share of fine to informer.

(3) A police magistrate imposing a fine under this Ordinance may award to an informer any portion, not exceeding a moiety thereof, which may be actually recovered.

Arrest of offender and seizure of knife worn or carried.

6 It shall be lawful for every police officer or headman, and they are hereby required, to arrest with or without a warrant, any person committing an offence under this Ordinance, and to seize any knife which such person, in

contravention of this Ordinance, shall be wearing or carrying upon his person, and to produce such person and knife before the nearest police magistrate to be dealt with according to law.

Security to keep the peace.

7 (1) If a person is convicted of a breach of section 4, the police magistrate may, in lieu of or in addition to any penalty which he may impose under this Ordinance, order the offender to execute a bond, with or without sureties, for a sum fixed with due regard to the circumstances of the case, and not being excessive, for keeping the peace during a period not exceeding six months.

Proviso.

Provided that where the offender is a minor the bond shall be executed only by his sureties.

Proviso.

Provided also that if the conviction is set aside, on appeal or otherwise, the bond so executed shall become void.

Certain provisions of the Criminal Procedure Code to apply.

(2) The provisions of "The Criminal Procedure Code, 1883," relating to proceedings subsequent to an order to furnish security to keep the peace, and to the procedure on forfeiture of bonds, shall, *mutatis mutandis*, apply to every order made and every bond executed under this section.

Onus of proof.

8 In any prosecution for a breach of section 4 it shall lie upon the defendant to prove that he is a person not incurring a penalty for such breach by virtue of the proviso to the said section, or by virtue of any exemption proclaimed under sub-section (*c*) of section 3.

Village tribunals may try cases of first offence.

9 In the case of a first offence against the provisions of this Ordinance, it shall be lawful for any village tribunal, within the limits of whose jurisdiction such offence is committed, to try the offender, and to exercise each and every of the powers which a police magistrate may in the like case exercise, anything in "The Village Communities' Ordinance, 1889," to the contrary notwithstanding.

Proviso.

Provided that in no case shall a village tribunal order any offender to execute a bond for keeping the peace.

Repeal of Ordinance No. 19 of 1890.

10 From and after the passing of this Ordinance the Ordinance No. 19 of 1890, intituled "An Ordinance relating to the wearing and carrying of Knives," shall be and the same is hereby repealed.

Period of duration of Ordinance.

11 This Ordinance shall continue in force until the thirty-first day of December, One thousand Eight hundred and Ninety-seven, or, if the Legislative Council be then in session, until the end of such session.

14th December, 1893.

No. 17 of 1893.

An Ordinance to raise a Loan of £1,000,000 sterling for the improvement of the Harbour of Colombo and for the construction of Railways and other Public Works.

(See No. 19 of 1884.)

Preamble.

WHEREAS it is expedient to raise a loan not exceeding one million pounds sterling, British money, for the purpose of improving the harbour of Colombo and of constructing railways and other public works in the colony, and for the purchase of such lands, materials, and other things as may be required for and in connection with such improvement, railways, and other public works: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

To be read as one with the Ordinance No. 19 of 1884.

1 This Ordinance and Ordinance No. 19 of 1884, intituled "An Ordinance to declare the terms and conditions applicable to loans authorized to be raised by the Government of Ceylon, and to provide for the creation of Ceylon Inscribed Stock," shall be construed and read as one Ordinance.

Authority to Governor to borrow by sale of debentures or inscribed stock.

2 The Governor is hereby authorized to borrow a sum not exceeding one million pounds sterling, British money, by the sale of debentures or by the sale of inscribed stock, or partly by the sale of debentures and partly by the sale of inscribed stock, under the provisions of "The General Loan and Inscribed Stock Ordinance, 1884."

Application of loan

3 The proceeds arising from such loan shall be applied exclusively in the construction of north-east and north-west breakwaters at Colombo and in other improvements of the harbour of Colombo, and in and about the construction of railways and other public works in the colony, and the purchase of such lands, materials, and other things as may be required for and in connection with such improvements, railways, and other public works.

Contribution to sinking fund when to commence.

4 The contributions to the sinking fund as contemplated by sections 10 and 24 of "The General Loan and Inscribed Stock Ordinance, 1884," for the repayment of the said sum of one million pounds sterling, British money, hereby authorized to be borrowed, shall commence after the expiration of three years from the date on which the interest on the first debentures or inscribed stock to be issued under this Ordinance shall begin to run.

14th December, 1893.

No. 1 of 1894.

An Ordinance to vest the control of General Cemeteries situated within Municipal Limits in the Municipal Council.

Preamble

WHEREAS it is expedient to amend "The Cemeteries Ordinance, 1862," and to vest certain powers and duties conferred by the said Ordinance on the Governor and Executive Council in the chairman of the municipal council, and the municipal council, in respect of general cemeteries situated, or used for the burial of persons dying, within the limits of a municipal town: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title. This Ordinance and the Ordinances 12 of 1862, 2 of 1885, and 17 of 1886 to be construed and read as one Ordinance.

1 This Ordinance may be cited as "The Municipal Cemeteries Ordinance, 1894," and this Ordinance and "The Cemeteries Ordinance, 1862," hereinafter called "the principal Ordinance," and the Ordinances No. 2 of 1885 and No. 17 of 1886, shall be construed and read as one Ordinance.

Municipal council to provide land for the purpose of establishing general cemeteries in municipal towns.

2 For the purpose of carrying out the provisions of sections 5 and 6 of the principal Ordinance and the provisions of the Ordinance No. 2 of 1885, it shall be the duty of the municipal council of any town, on the request of the Governor in Executive Council, to provide land for the purpose of the establishment of a general cemetery for the burial of persons dying within the limits of such town, or of adding to the limits of any such cemetery heretofore, or hereafter to be, established under the principal Ordinance.

Powers and duties vested in Governor and Executive Council to be exercised within municipal limits by chairman and municipal council.

3 The powers and duties vested in and appertaining to the Governor, with the advice and consent of the Executive Council, under and by virtue of the provisions of sections 10, 12, 18, 20, 22, 24, 26, and 28 of the principal Ordinance, and section 3 of the Ordinance No. 17 of 1886, and to the Governor under and by virtue of the provisions of sections 8, 17, and 22 of the principal Ordinance and section 2 of the Ordinance No. 17 of 1886, shall be exercised and performed by the municipal council, and the chairman of the municipal council, respectively, in respect of any general cemetery established under the principal Ordinance, and situated, or used for the burial of persons dying, within municipal limits.

Monies raised by sale under section 20 of No. 12 of 1862 to form part of municipal revenue.

4 All monies realized by the sale of any portion of such cemeteries under section 20 of the principal Ordinance shall be paid into the municipal fund and form a portion of the municipal revenue.

Within municipal limits certain powers to be exercised

5 The powers and duties vested in and appertaining to the Governor, with the advice and consent of the Executive Council, under and by virtue of the provisions of sections 10, 18, 20, 22, 24, 26, and 28 of the principal Ordinance, and

by chairman and municipal council.

to the Governor under and by virtue of the provisions of sections 17 and 22 of the principal Ordinance, shall be exercised and performed by the municipal council, and the chairman of the municipal council, respectively, in respect of any cemetery established under Ordinance No. 1 of 1880, and situated, or used for the burial of persons dying, within the municipal limits.

Within municipal limits section 21 of Ordinance No. 12 of 1862 not to apply.

6 The provisions of section 21 of the principal Ordinance, and the Ordinance No. 20 of 1884, shall not apply, after the coming into operation of this Ordinance, to any cemetery established under the principal Ordinance and situated, or used for the burial of persons dying, within the limits of any municipal town.

Municipal council to make regulations as to fees, &c.

7 The municipal council shall make regulations as to the fees to be paid for the performance of burial services, for digging graves, and such other services in any general cemetery established under the provisions of the principal Ordinance and situated, or used for the burial of persons dying, within municipal limits, and all such fees shall be paid to the keeper of such cemetery, to be by him paid to the chairman of the municipal council as part of the municipal revenue. Provided that the fees payable under this section in respect of any portion of any cemetery set apart for the special use of any religious denomination, and all fees payable under the Ordinance No. 17 of 1886, shall, as heretofore, be paid and appropriated by the board of management for such portion appointed under the said Ordinance, and shall be applied by such board in manner provided by section 7 of the said Ordinance.

Rights of persons and religious denominations under Ordinances 12 of 1862 and 17 of 1886 preserved.

8 Nothing in this Ordinance contained shall in any way affect, vary, or alter (1) any right, privilege, obligation, or liability accrued to, or incurred by, any person, body corporate, or religious denomination under the provisions of the principal Ordinance or of the Ordinance No. 17 of 1886 ; (2) or any legal proceeding or remedy in respect of any such right, privilege, obligation, or liability as aforesaid ; and any such legal proceeding and remedy may be carried on as if this Ordinance had not passed.

Commencement.

9 This Ordinance shall come into operation on such day as the Governor shall by Proclamation in the *Government Gazette* appoint.*

23rd February, 1894.

* Proclaimed as coming into operation from and after 1st July, 1894.

No. 2 of 1894.

An Ordinance to ensure the supervision of Burial and Cremation Grounds situated within Municipal Towns.

Preamble.

WHEREAS it is expedient to make provision touching private burial grounds and cremation grounds situated within the limits of municipal towns, with a view to the protection of the public health : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Definition of burial ground.

1 In this Ordinance the term "burial ground" shall mean any land or ground other than a general cemetery used for the burial of the dead at the time of coming into operation of this Ordinance, or subsequently approved of by the Governor in manner provided by section 2 of this Ordinance for the purpose of burying the dead.

New burial grounds and cremation grounds in municipal towns to be approved by the Governor.

2 No new burial ground or cremation ground shall be provided and used in any municipal town without the previous approval of the Governor, on the recommendation of the municipal council of such town, signified by notice in the *Government Gazette.*

Burial grounds and cremation grounds may be prohibited.

3 In case it appears to the Governor and Executive Council, upon the representation of the municipal council of any town, that any burial ground or cremation ground situated in such town is in such a state or locality as to be dangerous to the health of the inhabitants of such town, it shall be lawful for the Governor, with the advice of the Executive Council, to order that after a time to be mentioned in the order burials or cremations in any such burial ground or cremation ground shall be discontinued ; and every such order shall be published in the *Government Gazette.*

Burial or cremation not to take place after order of discontinuation.

4 After the time mentioned in any such order it shall not be lawful to bury or cremate any corpse in any burial ground or cremation ground mentioned in such order ; and every person who after such time as aforesaid shall bury or cremate, permit, or suffer to be buried or cremated any corpse contrary to this section, shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding two hundred rupees.

By-laws.

5 After the coming into operation of this Ordinance it shall be lawful to the municipal council from time to time to make by-laws for the following purposes :

(1) For the registration of burial grounds and cremation grounds situated within municipal limits ;

(2) For the inspection of such burial and cremation grounds ;

(3) For the proper regulation of the burial and cremation of corpses in such burial and cremation grounds ;

(4) And generally for the proper management, regulation, and control of all such burial and cremation grounds, and for the maintenance of order, decency, and cleanliness within the limits thereof;

and such by-laws at any time to repeal, alter, or amend: Provided that such by-laws shall not be of any force or effect unless and until they shall be submitted to and confirmed by the Governor in Executive Council, who is hereby empowered to alter, amend, or disallow the same, or any repeal, alteration, or amendment thereof, as he may think proper; and all such by-laws and any repeal, alteration, or amendment thereof shall be published in the *Government Gazette.*

Courts to take cognizance of by-laws.

6 All courts of justice shall take judicial cognizance of such by-laws and of any repeal, alteration, or amendment thereof, when and so soon as the same shall have been so duly confirmed and published as aforesaid; and all officers of police are hereby required to assist in carrying out the provisions thereof.

Burials and cremations in unregistered burial or cremation grounds prohibited.

7 From and after the expiration of three months from the date of the publication in the *Government Gazette* of by-laws providing for the registration of burial grounds and cremation grounds, it shall not be lawful to bury or cremate any corpse in any burial or cremation ground which has not been duly registered in manner prescribed by such by-laws, and every person who shall bury or cremate, permit, or suffer to be buried or cremated any corpse after the expiry of such time as aforesaid in any burial or cremation ground not duly registered as aforesaid, shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding two hundred rupees.

Breach of by-laws made an offence.

8 The breach of any by-law made and published under this Ordinance shall be an offence, and any person convicted of any such breach shall be liable to a fine not exceeding two hundred rupees, and in the case of a continuing offence to a further fine not exceeding one hundred rupees for each day on which the offence is continued.

Police courts empowered to deal with offences.

9 Police courts are hereby empowered to deal summarily with all cases instituted under this Ordinance or any by-law made in pursuance thereof, and to impose the full penalties herein prescribed, anything in "The Criminal Procedure Code, 1883," or any other Ordinance to the contrary notwithstanding.

Fines to be paid to municipal council.

10 All fines imposed by virtue of this Ordinance or any by-law made in pursuance thereof, shall be paid to the municipal council, to be by them applied to the purposes of "The Municipal Councils' Ordinance, 1887."

Short title.

11 This Ordinance may be cited as "The Municipal Burial and Cremation Grounds Ordinance, 1894," and it shall come into operation at such time as the Governor shall, by Proclamation in the *Government Gazette*, appoint.*

23rd February, 1894.

* Proclaimed as from and after the 1st July, 1894.

No. 3 of 1894.

An Ordinance to repeal certain Laws, Ordinances, and Enactments.

Preamble.

WHEREAS it is expedient to repeal certain Laws, Ordinances, and Enactments which have ceased to be necessary, but have not heretofore been expressly repealed: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Commencement.

1 This Ordinance shall come into operation on the date of the passing thereof.

Repeal of certain enactments.

2 The Proclamations, Regulations, Ordinances, and sections and portions of sections of Ordinances respectively mentioned in the first column of schedule A hereto are hereby severally repealed to the extent mentioned in the third column of the said schedule, but such repeal shall not affect—

(1) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed; or

(2) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; nor shall such repeal revive any enactment, right, office, privilege, matter, or thing not in force or existing at the commencement of this Ordinance.

Form F in the schedule to Ordinance No. 10 of 1844 amended.

3 The form of license given in schedule B hereto shall be substituted for the forms C and F given in the schedule to Ordinance No. 10 of 1844, and shall apply to the retail of toddy only under section 38 of the said Ordinance.

SCHEDULE A.

Regulations, Proclamations, Ordinances, and Sections of Ordinances repealed.

Number or Date of Enactment.	Title of Enactment.	Extent of Repeal.
Reg. 3 of 1815	Regulation respecting the value of Dutch Challies	The whole
Proc. of May 31, 1816	Publishing a despatch from the Secretary of State respecting the Kandyan Convention	The whole
Proc. of March 2, 1818	Exempting Moormen from the jurisdiction of Kandyan Chiefs	The whole
Proc. of Sept. 7, 1820	For the preservation of Roads in the Kandyan Provinces	The whole
Proc. of Oct. 25, 1823	For making provision in respect to property found in the Kandyan Provinces	The whole

Repeal of certain Laws.

Number or Date of Enactment.	Title of Enactment.	Extent of Repeal.
Reg. 14 of 1824	For preventing the wetting of Coffee, the growth of this Island, with the intent of increasing its apparent weight or quantity	The whole
Reg. 8 of 1825	For declaring the legal and established Currency of the Island of Ceylon to be the silver and copper current coin of Great Britain, and also the Ceylon silver and paper rixdollar and the copper subdivisions thereof already current therein	The whole
Proc. of Feb. 28, 1828	Respecting lands within the Gravets and Watchhouses of Kandy	The whole
Reg. 5 of 1829	To remove all doubts as to whether the Statute 10, Geo IV., cap. 7, passed "for the relief of His Majesty's Roman Catholic Subjects," extends to and is in force in Ceylon	The whole
Reg. 2 of 1832	For repealing certain parts of the resolution of the late Dutch Government passed on the 3rd February, 1747, and the Proclamation made by the Hon. Sir Robert Brownrigg, late Governor of this Island, on the 2nd of June, 1817, and for allowing Moors and Malabars to own houses and grounds in the Fort and Pettah of Colombo	The whole
Ord. 2 of 1838	An Ordinance to repeal the Ordinance No. 5 of 1836	The whole
Ord. 4 of 1841	To amend the Laws relating to Vagrants	Sections 7, 8, 9, 10, and 18
Ord. 10 of 1844	An Ordinance to amend the Law relative to the distillation and sale of Arrack, Rum, and Toddy within these Settlements	Section 15
Ord. 12 of 1846	To regulate the temporal affairs of the Episcopal Churches in the Island of Ceylon which have been erected or are now in course of erection or which may hereafter be erected in terms of Ordinance No. 1 of 1845	Section 8
Ord. 11 of 1848	To indemnify the Governor and all persons acting under his authority for certain acts done during the existence of Martial Law in certain parts of this Island	The whole
Ord. 12 of 1859	For the better regulation of the Ceylon Savings Bank	In section 4 the words "'managing body shall mean the trustees and managers appointed under section 5"
Ord. 6 of 1861	An Ordinance to repeal the Ordinance No. 3 of 1857 and to declare the consent of the Legislature of this Colony for placing Light vessels at the Basses Rocks and to the collection of Dues in respect thereof	The whole

Repeal of certain Laws.

Number or Date of Enactment.	Title of Enactment.	Extent of Repeal.
Ord. 3 of 1863	An Ordinance to amend the Ordinance No. 14 of 1862	The whole
Ord. 16 of 1865	An Ordinance to provide for the establishment and regulation of a Police Force in this Island	Section 49
Ord. 3 of 1866	An Ordinance to enlarge the operation of the Ordinance No. 10 of 1844	The whole. But this repeal shall not affect the validity of any Proclamation issued thereunder
Ord. 4 of 1867	An Ordinance to amend and consolidate the Law relating to Fiscals and their Officers	Section 7; and in section 10 the words "and such bond shall be in the form D in the schedule hereto annexed." Forms C, D, G, H, I, J, K, and L in the schedule
Ord. 6 of 1867	An Ordinance for compiling a new edition of the Enactments in force in the Colony	The whole
Ord. 14 of 1867	An Ordinance to consolidate and amend the Law in respect to the Collection of Tolls	Section 14: in section 15 the sentence commencing with the words "or shall fail to provide" and ending with the words "incorrect gauge;" and in section 17 the words "or any hand gauge or standard test gauge hereinbefore mentioned"
Ord. 6 of 1868	An Ordinance relating to the Deltota road	The whole
Ord. 2 of 1870	An Ordinance to provide for the improvement of the Galle Harbour	The whole
Ord. 7 of 1872	An Ordinance relating to the new edition of the Enactments in force in this Colony	The whole
Ord. 10 of 1873	An Ordinance to provide for the recovery of the cost of treating Sick Coolies in Government Hospitals	The whole
Ord. 5 of 1876	An Ordinance to amend the Ordinance No. 6 of 1873, intituled "An Ordinance to prescribe the order in which the property of Public Defaulters may in certain cases be seized and sold"	The whole
Ord. 5 of 1877	An Ordinance to amend the Law relating to the registration of Titles to Land in this Colony	Schedule F (form of final notice to claimants)
Ord. 16 of 1877	An Ordinance to amend the Law relating to Prisons	Section 62; and in section 63 the words "to try offences under preceding section" and the words "or the preceding"
Ord. 14 of 1885	An Ordinance to remove doubts as to the jurisdiction of Courts of Requests in Partition Suits	The whole

Export Duty on Tea.

Number or Date of Enactment	Title of Enactment.	Extent of Repeal.
Ord. 9 of 1886	An Ordinance to make temporary provision for securing the status of French Mail Steamers within the Ports of this Colony	The whole
Ord. 10 of 1886	An Ordinance to make temporary provision for securing the status of German Mail Steamers within the Ports of this Colony	The whole
Ord. 13 of 1886	An Ordinance to exempt Paddy Fields from the Police Tax	The whole
Ord. 20 of 1887	An Ordinance to continue Ordinances Nos. 9 and 10 of 1886	The whole

SCHEDULE B.

Form F.—License to Retail Toddy.

This is to certify that I, ———, Government Agent for the ——— Province, do hereby license ——— to sell toddy by retail, from the ——— day of ———, One thousand Eight hundred and ———, to the thirtieth day of June, One thousand Eight hundred and ———, inclusive, at the tavern No. ———, situated at ———, and at no other place, on condition that the said ——— shall sell toddy at the price of ——— per imperial gallon, and in proportion for any lesser quantity, and at no other price whatsoever.

Signed this ——— day of ———, 18 —.

———
Government Agent.

19th July, 1894.

No. 4 of 1894.

An Ordinance to provide for the continuance of the Export Duty on Tea levied under Ordinance No. 15 of 1892.

Preamble.

WHEREAS it is expedient to provide for the continuance of the export duty on tea levied under the Ordinance No. 15 of 1892, after the expenses of the World's Columbian Exposition at Chicago shall have been paid and discharged, in order that the proceeds of such duty may be devoted to increasing the consumption of Ceylon tea in foreign lands: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Commencement of levy of export duty, and rate of duty.

1 So soon after the Ordinance No. 15 of 1892, intituled "An Ordinance to levy an Export Duty on Tea," shall have ceased to be in force,* there shall be raised, levied, and paid upon all tea of the produce of this island exported beyond seas a duty not exceeding twenty cents per one

* No. 15 of 1892 ceased to be in force on the 31st October, 1894.

hundred pounds, the rate leviable to be determined by the Governor in Executive Council from time to time, upon consideration of such recommendations as may be made by the joint committee appointed by the Planters' Association of Ceylon on the fifteenth of June, 1894, and by the Chamber of Commerce on the eighteenth of June, 1894, or the successors in office of such committee, to administer the funds raised under this Ordinance, and such duty shall be independent of, and in addition to, any duty which may be imposed under the provisions of "The Medical Wants Ordinance, 1880, Amendment Ordinance, 1882."

Levy of export duty to be enforced under Ordinance No. 17 of 1869.

2 The duty under this Ordinance shall be levied at the customs on the entry for exportation of tea, and shall be payable to, and shall be collected and received by, the proper officers of the customs department, and the payment thereof shall be enforced under the provisions of the Ordinance No. 17 of 1869, intituled "An Ordinance for the General Regulation of Customs in the Island of Ceylon."

Proceeds of duty how to be applied.

3 The proceeds of the levy hereby enacted shall be applied towards increasing the consumption of Ceylon tea in foreign lands in such manner as may from time to time be desired and determined by the joint committee appointed for the purpose by the Planters' Association of Ceylon on the fifteenth of June, 1894, and by the Ceylon Chamber of Commerce on the eighteenth of June, 1894, or the successors in office of such committee, provided that such manner of application of the proceeds of the said levy be subject to the approval of the Governor in Executive Council.

Duration of the Ordinance.

4 This Ordinance shall cease to be in force from and after such time as the Governor in Executive Council shall appoint by Proclamation to be published in the *Government Gazette.*

29th August, 1894.

END OF VOLUME III.

APPENDICES.

BENGAL SECRETARIAT LIBRARY

APPENDIX I.

THE CHARTER OF 1833.

WILLIAM THE FOURTH, by the Grace of GOD of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, to all to whom these presents shall come, Greeting.

Recital of Letters Patent.

WHEREAS his late Majesty King GEORGE THE THIRD by three several Charters and Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date respectively at Westminster the eighteenth day of April in the year of our Lord One thousand Eight hundred and One, the sixth day of August in the year of our Lord One thousand Eight hundred and Ten, and the thirteenth day of October in the year of our Lord One thousand Eight hundred and Eleven, did establish within his said late Majesty's settlements of the island of Ceylon and the territories and dependencies thereof a certain court called "the Supreme Court of Judicature in the island of Ceylon," and a certain other court called "the High Court of Appeal in the island of Ceylon," and did make certain other provisions for the due administration of justice in the said settlements, territories, and dependencies. And whereas since the day on which the last of the said several Charters and Letters Patent bears date, a certain territory in the interior of the said island of Ceylon, called "the Kingdom of Kandy" or "the Kandyan Provinces of the island of Ceylon," hath become and now is subject to his Majesty, whereby the whole island of Ceylon with its dependencies has become and now is part of his Majesty's dominions. And whereas it is provided by each and every of the said several Charters and Letters Patent that nothing therein respectively contained or any act which should be done under the authority thereof respectively should extend or be deemed or construed to extend to prevent his said late Majesty, his heirs, and successors from making such further or other provision for the administration of justice throughout the said settlements and territories in the said island of Ceylon with their dependencies at his and their will and pleasure, and as circumstances might require; his said late Majesty meaning and intending fully and absolutely and to all intents and purposes whatsoever to reserve to himself, his heirs, and

And annexation of the Kandyan Provinces.

And of power reserved in the former Charters for repealing them.

successors such and the same rights and powers in and over the said settlements, territories, and dependencies, and every part thereof, and especially touching the administration of justice therein, and all other matters and things in, and by the said several Charters and Letters Patent provided for, as if the said several Charters and Letters Patent had not been made, anything therein contained, or any law, custom, usage, matter, or thing whatsoever to the contrary in any wise notwithstanding. And whereas it is expedient to make more general and more effectual provision for the administration of justice in the said island and its dependencies. Now know ye that We, upon full consideration of the premises and of Our certain knowledge and mere motion, have thought fit to revoke and annul, and We hereby revoke and annul each and every of the said Charters and Letters Patent, such revocation to take effect at and from after the time when (as hereinafter mentioned) this Our Charter will come into operation in Our said island.

Necessity for a new Charter.

Old Charters repealed.

Recital of subordinate courts.

2 And whereas in the several districts and provinces of the said island there now are several courts appointed to administer justice by the exercise of original jurisdiction to the inhabitants of the said districts and provinces, known respectively by the names and titles of the Provincial Courts, the Courts of the Sitting Magistrates, the Court of the Judicial Commissioner, the Court of the Judicial Agent, the Courts of the Agents of Government, the Revenue Courts, and the Court of the Sitting Magistrate of the Mahabadde; and whereas such courts differ among themselves in respect of their constitution, of their rules of procedure, and of the kinds and degrees of the jurisdictions which they exercise within the limits of their respective districts or provinces; now know ye that We, upon full consideration of the premises, have thought fit to direct, ordain, and appoint that the said provincial courts, the said courts of the sitting magistrates, the said court of the judicial commissioner, the said court of the judicial agent, the said courts of the agents of Government, the said revenue courts, and the said court of the sitting magistrate of the Mahabadde shall be, and the same are hereby respectively abolished, such abolition to take effect at and from after the time when (as hereinafter mentioned) this Our Charter will come into operation in Our said island.

Such courts abolished.

Reciting courts of appellate jurisdiction.

3 And whereas the Governor of Our said island for the time being, and the said court of the judicial commissioner, have hitherto exercised an appellate jurisdiction for the administration of justice in certain cases arising in the Kandyan Provinces of Our said island; and whereas certain courts called the minor courts of appeal, and certain courts called the minor courts of appeal from revenue cases, have hitherto exercised an appellate jurisdiction for the administration of justice in certain cases arising in the Maritime Provinces of the said island; and whereas the existence of several independent appellate judicatures in the said island tends to introduce uncertainty into the administration of justice there; now know ye that We, upon full consideration of the premises, have thought fit to direct and ordain, and do hereby direct and ordain, that the said appellate jurisdictions

Uncertainty thence arising.

Abolition of such appellate courts.

of the Governor of the said island and of the said court of the judicial commissioner respectively shall be, and the same are hereby respectively abolished; and that the said minor courts of appeal and the said minor court of appeal for revenue cases and such their appellate jurisdiction shall be and the same are hereby abolished.

The courts hereby erected to have an exclusive jurisdiction.

Saving the rights of the court of Vice Admiralty. and the piracy commission court.

The Governor may not establish courts.

Exception.

4 And to provide for the administration of justice hereafter in Our said island, Our will and pleasure is, and We do hereby direct, that the entire administration of justice, civil and criminal therein, shall be vested exclusively in the courts erected and constituted by this Our Charter, and in such other courts as may be holden within the said island under any commission issued or to be issued in pursuance of the statutes in that case made and provided for the trial of offences committed on the seas or within the jurisdiction of Our Lord High Admiral or the commissioners for executing his office, or under any commission issued or to be issued by Our Lord High Admiral or by the commissioners for executing his office for the time being; and it is Our pleasure, and We hereby declare, that it is not, and shall not be, competent to the Governor of Our said island by any law or Ordinance to be by him made, with the advice of the Legislative Council thereof, or otherwise howsoever, to constitute or establish any court for the administration of justice in any case, civil or criminal, save as hereinafter is expressly saved and provided. Provided, nevertheless, and We do hereby declare that nothing herein contained shall extend, or be construed to extend, to prevent any persons from submitting their differences to the arbitration of certain assemblies of the inhabitants of villages known in Our said island by the name of Gangsabes.

Supreme Court established.

5 And We do hereby grant, direct, and appoint that there shall be within the said island of Ceylon one Supreme Court, which shall be called "the Supreme Court of the island of Ceylon."

To consist of a Chief Justice and two puisne judges.

Titles of the Chief Justice.

Judges how to be appointed.

6 And We do direct and appoint that the said Supreme Court of the island of Ceylon shall consist of and be holden by and before one Chief Justice and two puisne justices, and that the Chief Justice shall be called and known by the name and style of "the Chief Justice of the island of Ceylon," and that the said Chief Justice and puisne justices shall from time to time be nominated and appointed to such their offices by letters patent to be issued under the public seal of the said island, in pursuance of warrants to be from time to time issued by Us, Our heirs, and successors, under Our or their sign manual, and shall hold such their offices during the pleasure of Us, Our heirs, and successors.

The Governor may provisionally appoint judges in cases of death resignation. incapacity. absence. or suspension.

7 And We do further direct and appoint that upon the death, resignation, sickness, or incapacity of the said Chief Justice or any of the said puisne justices, or in case of the absence of any of them from the said island, or in case of any such suspension from office as hereinafter mentioned of any such Chief Justice or puisne justice, it shall and may be lawful to and for the Governor of Our said island for the time being, by letters patent to be by him for that purpose made

and issued under the public seal of the said island, to nominate and appoint some fit and proper person or persons to act as and in the place and instead of any such Chief Justice or puisne justice so dying, or resigning, or labouring under such sickness or incapacity as aforesaid, or being so absent as aforesaid from the said colony, or being so suspended, until the vacancy or vacancies so created by any such death or resignation, or sickness, or incapacity, or absence, or suspension, shall be supplied by a new appointment to be made in manner aforesaid, or until the Chief Justice or puisne justice so becoming sick, or incapable, or being absent, or suspended as aforesaid, shall resume such his office and enter into the discharge of the duties thereof.

The Governor when authorized to suspend a judge.

8 And whereas cases may arise in which it may seem necessary to Our Governor for the time being of Our said island, that a judge of the said court should be suspended from the exercise of his functions therein provisionally, until Our pleasure can be known. And it is expedient that no such act of suspension should take place except upon the most evident necessity and after the most mature deliberation, and that in any such event the judge who may be so suspended should receive the most early, complete, and authentic information of the grounds of such proceedings against him. We do therefore declare, direct, and appoint that it shall and may be lawful for the Governor of Our said island for the time being, by any order or orders to be by him for that purpose made and issued under the public seal of the said island, with the advice and consent of the Executive Council of the said island, or the major part of them, upon proof of the misconduct or incapacity of any such Chief Justice or puisne justice as aforesaid, but not otherwise, to suspend him from such his office and from the discharge of the duties thereof: provided that in every such case the said Governor shall immediately report for Our information through one of Our principal Secretaries of State the grounds and causes of such suspension; and provided also that a full statement be entered on the minutes of the said Executive Council of the grounds of such proceeding and of the evidence upon which the same may be founded; a full copy of which minutes and evidence shall by such Governor be transmitted to such judge, together with the order suspending him from such his office. And We do hereby reserve to Us, Our heirs, and successors, with the advice of Our or their Privy Council, full power and authority to confirm or to disallow any such suspension from office as aforesaid of any such Chief Justice or puisne justice.

Rules to be observed in such case.

Rank of the Chief Justice.

9 And We do hereby give and grant to our said Chief Justice for the time being rank and precedence above and before all Our subjects whomsoever within the said island and its dependencies, excepting the Governor or Lieutenant-Governor for the time being thereof, and excepting such persons as by law or usage in England take place before Our Chief Justice of Our Court of King's Bench.

Rank of the puisne judges.

10 And We do hereby give and grant to the said puisne justices for the time being rank and precedence above and before all Our subjects whomsoever within the said island

and its dependencies, excepting the Governor or Lieutenant-Governor for the time being thereof, the said Chief Justice, and the officer for the time being commanding Our forces in the said island and its dependencies, and excepting such persons as by law or usage in England take place before our puisne justices of Our Court of King's Bench ; and We do hereby declare that the said puisne justices shall take rank and precedence between themselves according to the priority of their appointments respectively.

Supreme Court to have a seal.

The custody of the seal.

11 And We do further grant, direct, ordain, and appoint that the said Supreme Court of the island of Ceylon shall have and use, as occasion may require, a seal bearing a device and impression of our royal arms, with an exergue or label surrounding the same with this inscription, "The Seal of the Supreme Court of the island of Ceylon," and that the said seal shall be delivered to and shall be kept in the custody of the said Chief Justice with full liberty to deliver the same to any puisne justice of the said court for any temporary purpose; and in case of the vacancy of or suspension from the office of the Chief Justice, the same shall be delivered over to and kept in the custody of such person as shall be appointed by the said Governor of the said island to act as and in the place and stead of the Chief Justice.

Judges incapable of holding other offices of profit.

Exception.

12 And We do further direct and appoint that no such Chief Justice or puisne justice as aforesaid shall be capable of accepting, taking, or performing any other office, place of profit, or emolument within the said island, on pain that the acceptance of such other office as aforesaid shall be *ipso facto* an avoidance of such his office of Chief Justice or puisne justice, as the case may be, and the salary thereof shall cease accordingly from the time of such acceptance of any other office or place: provided, nevertheless, that no such Chief Justice or puisne justice shall be rendered incapable of holding his office, or shall forfeit his salary by accepting the office of Judge of the Court of Vice Admiralty in the said island, or of commissioner for the trial and adjudication of prize causes, and other maritime questions arising in India.

Appointment of the judges by name.

13 And We do hereby constitute and appoint Our trusty and well-beloved Sir Charles Marshall, Knight, to be the first Chief Justice of the said Supreme Court, and Our trusty and well-beloved William Rough, Esquire, Serjeant-at-Law, to be the Senior Puisne Justice of the said Supreme Court, and Our trusty and well-beloved William Norris, Esquire, to be the Second Puisne Justice of the said Supreme Court.

Ministerial officers of the court: their number how to be determined.

14 And We do hereby direct, ordain, appoint, and declare that there shall be attached and belong to the said court an officer to be styled the registrar and keeper of records of the said court, and such and so many other officers as to Our Chief Justice of the said court for the time being from time to time appear to be necessary for the administration of justice, and the due execution of the powers and authorities which are granted and committed to the said court by these Our Letters Patent: provided, nevertheless, that no office shall be created in the said court unless the Governor of the said

island for the time being shall first signify his approbation thereof to the said Chief Justice for the time being in writing under the hand of such Governor.

Ministerial officers how to be appointed.

15 And We do further direct and declare Our will to be that all the subordinate officers of the said court shall be appointed to such their offices by Us or by the Governor of the said island on Our behalf, by commissions to be for that purpose issued under the public seal of the said island: provided, nevertheless, that all persons who shall be attached to or hold any office in the said court as clerk or private secretary to any of the judges thereof shall be appointed to such office by the judge for the time being whom such person may so serve in any such capacity.

The judges to appoint their own private secretaries.

Subordinate officers to hold during pleasure of the King, but liable to suspension by the court.

16 And We do further direct and appoint that the several officers of the said Supreme Court shall hold their respective offices during the pleasure of Us, Our heirs, and successors, and shall be subject to be suspended from their offices therein by the said court for misconduct or other sufficient cause.

Admission of advocates and proctors.

17 And We do hereby authorize and empower the said Supreme Court to admit and enrol as advocates or proctors in the said Supreme Court all such persons being of good repute as shall upon examination by one or more of the said justices of the said Supreme Court appear to be of competent knowledge and ability: provided always that whenever the said Supreme Court shall refuse to admit and enrol any person applying to be admitted and enrolled as an advocate or proctor in the said Supreme Court, the judges of the said court shall in open court assign and declare the reasons of refusal. And We do direct and declare that no persons whatsoever not so admitted and enrolled as aforesaid shall be allowed to appear, plead, or act in the said Supreme Court for or on behalf of any other person being a suitor in the said court.

No person not so admitted capable of acting as such.

The island to be divided into three circuits.

18 And We do further declare Our pleasure to be, and do hereby ordain and appoint, that for the purpose of the administration of justice under this Our Charter the said island of Ceylon shall be divided into the district of Colombo and three circuits, to be called respectively the Northern Circuit, the Southern Circuit, and the Eastern Circuit; and that the said Northern Circuit shall comprise the district of Jaffna, together with the several districts which are parcel of the Maritime Provinces of the said island, and which lie to the westward of the Kandyan Provinces of the said island, between the said district of Jaffna and the district of Colombo; and that the said Southern Circuit shall comprise the district of the Mahagampattoo and all the districts parcel of the Maritime Provinces of the said island lying to the westward and southward of the Kandyan Provinces of the said island, between the district of the Mahagampattoo and the district of Colombo; and that the said Eastern Circuit shall comprise all the Kandyan Provinces of the said island and all the districts parcel of the Maritime Provinces of the said island lying to the eastward of the Kandyan Provinces

Their limits described.

of the said island, between the district of Jaffna and the district of Mahagampattoo. Provided, nevertheless, that it shall be lawful for the Governor for the time being of Our said island on any application to him for that purpose made in writing under the hands of the judges for the time being of the said Supreme Court or the major part of them, but not otherwise, by any Proclamation or Proclamations to be from time to time for that purpose issued, to alter, as occasion may require, the before-mentioned division of the said island as aforesaid, and to establish any other division or divisions thereof for that purpose which may appear to the said Governor and the whole or the major part of such judges, more conducive to the public convenience and the effective administration of justice in the said island.

The Governor on application from the judges may by Proclamation alter such limits.

19 And We hereby authorize and require the said Governor for the time being of Our said island, with the concurrence of the judges of the said Supreme Court or the major part of them, but not otherwise, by any Proclamation or Proclamations to be by him for that purpose from time to time issued, to subdivide into districts each of the circuits into which the said island, exclusive of the district of Colombo, is or shall be in manner aforesaid divided ; and from time to time, with the like concurrence, but not otherwise, to revoke, alter, and amend any such Proclamation or Proclamations as occasion may require ; and which appointment of the said circuits and districts shall be made in such a manner as may best consist with and promote the prompt and effectual administration of justice therein as hereinafter mentioned. Provided always that until the said circuits shall in manner aforesaid be divided into districts in pursuance of this Our Charter, the existing divisions of Our said island comprised within the respective limits of the said circuits respectively shall for the purposes hereof be deemed and taken to be such districts as aforesaid.

The Governor may subdivide the circuits into districts.

Existing divisions to remain for the present.

20 And We do further grant, direct, and appoint that within each and every district of the said island there shall be one court to be called the district court of such district. And that every such district court shall be holden by and before one judge, to be called the district judge, and three assessors. And that every such district judge shall be appointed to such his office by Letters Patent to be for that purpose issued under the Public Seal of the said island by the Governor thereof for the time being, in pursuance of warrants to be for that purpose addressed to him by Us, Our heirs, and successors : provided that such Governor may and he is hereby authorized and required to issue such Letters Patent as aforesaid provisionally, and subject to the future signification of the pleasure of Us, Our heirs, and successors, and without any such warrant or warrants as aforesaid on any occasions on which it may be necessary to make any such appointment or appointments before the pleasure of Us, Our heirs, and successors can be known. And We do hereby declare that the said district judges respectively shall hold such their offices during the pleasure of Us, Our heirs, and successors.

District courts established.

District judges how to be appointed.

District judges to hold during pleasure.

Assessors how to be chosen.

21 And We do further direct and appoint that the before-mentioned assessors shall be selected from amongst Our subjects inhabiting the said island, whether natives thereof or otherwise, and being respectively men of the full age of twenty-one years and upwards, and possessing such qualifications as shall from time to time be determined by any rules and orders of court to be made in the manner hereinafter mentioned, and not having been convicted of any infamous crime, nor labouring under any such bodily or mental incapacity as would render them unfit for the discharge of that office. And We do hereby reserve to Ourselves, Our heirs, and successors the right of appointing in each of the said district courts one person to act as a permanent assessor, but in respect of all assessors until any such appointment shall be made, and after any such appointment shall be made in respect of all assessors not so appointed, it is Our pleasure, and We do hereby direct and declare, that they shall be selected, summoned, and required to serve in the said office in such manner as shall be provided by such rules and orders of court as are hereinafter particularly mentioned.

Right of appointing a permanent assessor in each district reserved.

Assessors to be chosen and summoned as before mentioned.

Appointment of subordinate officers of district courts.

22 And We do hereby further direct that the ministerial and other subordinate officers of the said district courts respectively, shall respectively be appointed to and shall hold such their offices therein in such and the like manner in every respect as is hereinbefore provided, with regard to the ministerial and other officers of the said Supreme Court; and that the admission and enrolment of persons to appear, plead, or act in any of the said district courts as advocates or proctors shall be regulated and provided for by such general rules and orders of court as are hereinafter mentioned.

Admission of advocates and proctors in the district courts.

Supreme Court to be held at Colombo. Except for circuits. District courts to be holden at places to be appointed by the Governor.

23 And We do further direct and appoint that the said Supreme Court shall be holden at Colombo in the said island, excepting for the purpose of such circuits as are hereinafter mentioned, and that every such district court as aforesaid shall be holden at such convenient place within every such district as the Governor for the time being of Our said island shall from time to time for that purpose appoint by any Proclamation or Proclamations to be by him in manner aforesaid issued for such division as aforesaid of the said island into districts.

Civil jurisdiction of district courts.

24 And We do further grant, direct, and appoint that each of the said district courts shall be a court of civil jurisdiction, and shall have cognizance of and full power to hear and determine all pleas, suits, and actions in which the party or parties defendant shall be resident within the district in which any such suit or action shall be brought, or in which the act, matter, or thing in respect of which any such suit or action shall be brought shall have been done or performed within such district. Provided, nevertheless, that no such district court as aforesaid shall be competent to hold jurisdiction of or to hear or to determine any cause, suit, or action wherein the judge of such court shall himself be a party, plaintiff, or defendant; but that every cause, suit, or action which according to the provisions aforesaid would have been

If the district judge be a party the court of the next adjoining district shall have cognizance of the cause.

cognizable in any district court if the judge of such court had not been a party thereto, shall in that case be cognizable in the court of any district immediately adjoining.

Criminal jurisdiction of district courts.

25 And We do further grant, direct, and appoint that each of the said district courts shall be a court of criminal jurisdiction, and shall have full power and authority to inquire of all crimes and offences committed wholly or in part within the district to which such court may belong, and to hear, try, and determine all prosecutions which shall be commenced against any person or persons for or in respect of any such crimes or offences, or alleged crimes or offences. Provided always that such criminal jurisdiction as aforesaid shall not extend to any case in which the person or persons accused shall be charged with any crime which according to any law now or hereafter to be enforced within Our said island shall be punishable with death, or transportation, or banishment, or imprisonment for more than twelve calendar months, or by whipping exceeding one hundred lashes, or by fine exceeding ten pounds.

District courts to have the custody of persons and estates of lunatics within the district.

26 And We do further grant, direct, and appoint that each of the said district courts shall have the care and custody of the persons and estates of all idiots and lunatics and others of insane or nonsane mind resident within such districts respectively, with full power to appoint guardians and curators of all such persons and their estates, and to make order for the maintenance of such persons and the proper management of their estates, and to take proper securities for such management from such guardians and curators, and to call them to account and to charge them with any balance which may be due to any such persons as aforesaid or to their estates, and to enforce the payment thereof, and to take order for the secure investment of any such balances, and such guardians and curators from time to time to remove and replace as occasion may require.

District courts to appoint administrators to the estates of intestates.

And to adjudicate upon the validity of wills.

And to grant probate.

And to appoint administrators.

And to take securities from executors and administrators.

27 And We do further give and grant to the said district courts respectively in their said respective districts full power and authority to appoint administrators of the estates and effects of any persons dying within such respective districts intestate, or who may not have by any last will or testament appointed any executor or trustee for the administration or execution thereof, and like power and authority to inquire into and determine upon the validity of any document or documents adduced before them as and for the last will and testament of any person who may have died within such districts respectively, and to record the same, and to grant probate thereof, with like power and authority to appoint administrators for the administration or execution of the trusts of any such last will or testament as aforesaid in cases where the executors or trustees thereby appointed shall not appear and take out probate thereof, or having appeared and taken out such probate shall by death or otherwise become incapable to carry any such trusts fully into execution. And We do further authorize and empower the said district courts in their said respective districts to take proper securities from all executors and administrators

of the last wills and testaments of any deceased persons, or of the estates and effects of any persons who may have died intestate, for the faithful performance of such trusts, and for the proper accounting to such courts respectively for what may come to their hands or be by them expended in the execution thereof, with like power and authority to call all such executors and administrators to account and to charge them with any balances which may be due to the estates of any such deceased persons, and to enforce the payment thereof and to take order for the secure investment of any such balances, and such executors and administrators from time to time to remove and replace as occasion may require.

And to call them to account and enforce the payment of or take security for balances.

And to remove and replace executors and administrators.

District courts to take cognizance of all revenue cases

28 And whereas doubts might arise whether by virtue of the provisions aforesaid, and without an express authority in that behalf, the said district courts would be competent to entertain suits therein brought for the protection of Our revenue and for the punishment of offences committed against the revenue laws of Our said island. Now, therefore, for the removal of any such doubts, We do hereby expressly declare that all causes affecting Our revenue arising within Our said island, and all prosecutions for the punishment of offences committed against the revenue laws thereof, shall be cognizable within the said district courts respectively, in such and the same manner as any other suits or prosecutions. Saving, nevertheless, and reserving to all courts of Vice Admiralty established or to be established within Our said island, all such rights, powers, jurisdictions, and authority as are by law vested in them, as fully as if this Our Charter had not been made. Provided, nevertheless, that no such prosecution for any offence committed against the revenue laws shall be cognizable within any such district court in cases where the punishment may be of greater degree or amount than such district court can under the provisions aforesaid award upon prosecutions for any other offences.

Saving the rights of the courts of Vice Admiralty.

Limitation of jurisdiction in such cases.

Jurisdiction of district courts to be exclusive.

29 And We do further grant and declare that the several jurisdictions so vested as aforesaid in the said district courts is and shall be an exclusive jurisdiction, and shall not on any plea or pretext whatsoever be assumed or exercised by any other court, tribunal, or judge within Our said island, save and except in so far as cognizance of the same suits, causes, actions, prosecutions, matters, and things is hereinafter expressly given by way of appeal to the Supreme Court aforesaid, or to the respective judges thereof. And also save and except in so far as an original jurisdiction in certain suits, causes, actions, prosecutions, matters, and things is hereinafter vested in the said Supreme Court or in the respective judges thereof, and also save and except in as far as respects the jurisdiction of the court of Vice Admiralty in the said island.

Exception.

Judgments of district courts how to be pronounced.

30 And We do further direct and appoint that every final sentence or judgment of the said district courts respectively, and that every interlocutory order of the said courts having the effect of a final sentence or judgment, and that every order of any such court having the effect of postponing the final decision of any cause or prosecution there pending, and any

other order which to the judge of any such court may appear of adequate importance, shall by such judge be pronounced in open court. And that such judge shall in all such cases state in the presence and hearing of the assessors before mentioned, what are the questions of law and of fact which have arisen for adjudication, and which are to be decided upon any such occasion, together with his opinion upon every such question, with the grounds and reasons of every such opinion. And that every such assessor shall also in open court and in the presence and hearing of the judge and the other assessors declare his opinion and deliver his vote upon each and every question which the judge shall have previously declared to have arisen for adjudication, whether such questions shall relate to any matter of law or to any matter of fact. Provided, nevertheless, that in case of any difference of opinion between any such judge and the majority or the whole of such assessors upon any question of law or of fact depending before any such district court, the opinion of such judge shall prevail, and shall be taken as the sentence, judgment, or order of the whole court, but in every such case a record shall be made and preserved among the records of the said court of the questions declared by the judge to have arisen for adjudication, and of the vote of such judge and of every such assessor upon each such question.

Assessors to give their opinions and votes.

In case of a difference of opinion that of the judge to prevail.

But record to be made of questions and votes.

31 And We do hereby grant, declare, direct, and appoint that the Supreme Court of the island of Ceylon shall be a court of appellate jurisdiction for the correction of all errors in fact or in law which shall be committed by the said respective district courts, and shall have sole and exclusive cognizance by way of appeal of all causes, suits, actions, prosecutions, matters, and things of which such district courts may, in pursuance of the provisions of this Our Charter or any of them, take cognizance by way of original jurisdiction. And We do further grant to the said Supreme Court power, jurisdiction, and authority to hold an original jurisdiction for inquiring of all crimes and offences committted throughout the said island, and for the hearing, trying, and determining all prosecutions which shall be commenced against any person or persons for or in respect of any such crimes or offences or alleged crimes or offences. And to provide for the due execution of the powers and authorities and jurisdictions so vested as aforesaid in the Supreme Court it is Our further pleasure, and We do direct, ordain, and appoint that civil and criminal sessions of the said Supreme Court shall be holden by some one of the judges thereof in each of the circuits into which Our said island is or shall be so divided as aforesaid.

Appellate jurisdiction of Supreme Court.

Original jurisdiction of Supreme Court.

Civil and criminal sessions of the Supreme Court how to be holden.

32 And We do further direct and appoint that such sessions as aforesaid of the said Supreme Court shall be holden twice in each year within the northern, southern, and eastern circuits of the said island respectively hereinbefore described or referred to, at such places within such respective circuits, and at such particular times in each year as the Governor for the time being of Our said island shall, after previous consultation with the judges of the said Supreme Court, by Proclamations to be by him from time to

Such sessions to be holden twice a year in each circuit.

At times and places to be appointed by the Governor in consultation with the judges.

Choice of circuits by the judges.

time for that purpose issued, direct, and appoint. Provided always that the times and places for holding such civil and criminal sessions of the said Supreme Court on such circuits shall be so arranged as that all the judges of the said Supreme Court shall never at the same time be absent from Colombo, and that all such judges shall be resident at the same time at Colombo not less than one month twice in each year. And We do direct and appoint that the Chief Justice of the said court shall first choose the circuit on which he will proceed for the purposes aforesaid, and that the second choice shall be made by the senior puisne justice for the time being.

At civil sessions of Supreme Court assessors to be associated with the judge.

At the criminal sessions thirteen jurors.

33 And We do further direct, ordain, and appoint that at every civil sessions of the Supreme Court to be holden on any such circuit as aforesaid three assessors shall be associated with the judge, and that every criminal sessions of the Supreme Court to be holden on any such circuit shall be holden before such judge and a jury of thirteen men, which assessors and jurors shall be selected, summoned, and required to appear and serve in such manner and form as shall be provided by such general rules and orders of court as hereinafter mentioned.

Appellate and original jurisdiction of the Supreme Court how to be exercised on circuit.

34 And We do will, ordain, and appoint that within each and every of the said circuits respectively all and every the appellate powers, jurisdictions, and authorities hereby vested in the said Supreme Court shall be exercised by the judge for the time being of such circuit and the assessors so to be associated with him as aforesaid, and that within each and every of the said circuits respectively all and every the original powers, jurisdictions, and authorities hereby vested in the said Supreme Court shall be exercised by the judge for the time being of such circuit, who upon the trial of any crimes made cognizable by the said Supreme Court by way of such original jurisdiction as aforesaid shall be associated with such jurors as aforesaid.

At civil sessions the court to hear all appeals from district courts of the circuit.

With power to remand causes for further hearing or new evidence.

New evidence may be admitted or rejected by the Supreme Court at such sessions.

35 And We do further direct and appoint that at every civil sessions of the said Supreme Court so to be holden as aforesaid on every such circuit, the said court shall proceed to hear and determine all appeals which may be then depending from any sentence, judgment, decree, or order of any district court within the limits of such circuit, and to affirm, reverse, correct, alter, and vary every such sentence, judgment, decree, or order according to law, and if necessary to remand to the district court for a further hearing or for the admission of any further evidence any cause, suit, or action in which any such appeal as aforesaid shall have been brought ; and upon hearing every such appeal it shall also be competent to the said Supreme Court to receive and admit or to exclude and reject new evidence touching the matters at issue in any such original cause, suit, or action as justice may require.

With power to grant prohibitions, &c., to the district courts of the circuit

36 And We do further direct and appoint that the Supreme Court aforesaid at any civil sessions to be holden on any such circuit as aforesaid shall have full power and authority to grant and issue mandates in the nature of writs of *mandamus procedendo* and prohibition against any district

court within the limits of such circuit, and to make order for the transfer of any cause, suit, or action depending in any one district court in such circuit to any other district court within the same circuit, if it shall be made to appear to the satisfaction of the said Supreme Court at any such civil sessions as aforesaid that there is any sufficient cause or reason to conclude that in such particular cause, suit, or action justice would not probably be done in the district court in which the same had so been commenced. And in every such case the district court to which any such cause, suit, or action shall be so transferred shall take cognizance thereof and have power and jurisdiction for the hearing, trial, and decision of the same as fully and effectually to all intents and purposes as the district court in which the same was originally brought could or might have had.

and to transfer causes from one district court to another.

37 And We do further direct, declare, and appoint that the judge of the Supreme Court holding any such civil sessions thereof as aforesaid on any such circuit shall in open court state and declare in the presence and hearing of the assessors before mentioned what are the questions of law and of fact arising for adjudication upon every appeal brought before the said Supreme Court at such sessions; and which are then to be decided, and shall then pronounce his opinion upon every such question, with the grounds and reasons of every such opinion; and that every such assessor shall thereupon also in open court and in the presence and hearing of such judge and the other assessors declare his opinion and deliver his vote upon such and every question which the judge shall have previously declared to have arisen for adjudication, whether such question shall relate to any matter of law or to any matter of fact. And in case of any difference of opinion between any such judge and the majority or the whole of such assessors upon any question of law or of fact depending upon such appeal, the opinion of such judge shall prevail and shall be taken as the sentence, judgment, or order of the whole court; but in every such case a record shall be made and preserved among the records of the said Supreme Court of the question declared by the judge to have arisen for adjudication, and of the vote of such judge and of every such assessor upon every such question.

Form of proceeding at civil sessions of Supreme Court.

38 And We do further direct, ordain, and appoint that at every criminal sessions of the said Supreme Court to be holden on any such circuit as aforesaid such court shall proceed to hear and determine all appeals which may be then depending from any sentence or judgment pronounced by any district court within the limits of any such circuit in any criminal prosecution, and to affirm, reverse, correct, alter, and vary every such sentence and judgment according to law. And upon hearing every such appeal it shall also be competent to the said Supreme Court to receive and admit or to exclude and reject new evidence touching the matters at issue in any such original prosecution as justice may require; and it shall also be lawful for the said Supreme Court at any such criminal sessions as aforesaid to make order for the transfer of any prosecution depending in any one district court in such circuit to any other district court within the same circuit if

At criminal sessions the Supreme Court to hear appeals from judgments of the district courts in criminal cases,

and to receive or reject new evidence.

it shall be made to appear to the satisfaction of the said Supreme Court at any such criminal sessions as aforesaid that there is any sufficient cause or reason to conclude that in such particular prosecutions justice would not probably be done in the district court in which the same had been so commenced. And in every such case the district court to which any such prosecution shall be so transferred shall take cognizance thereof, and shall have power and jurisdiction for the hearing, trial, and decision of the same as fully and effectually to all intents and purposes as the district court in which the same was originally brought could or might have had.

Appeals in criminal cases.

39 And We do further declare and ordain that notwithstanding the right of appeal hereby given from the judgments and sentences of the said district courts upon such criminal prosecutions as aforesaid no such appeal shall have the effect of staying the execution of any sentence or judgment pronounced by any such district court upon any prosecution unless the judge of such district court shall in the exercise of his discretion see fit to make order for the stay of any such execution pending such appeal.

At criminal sessions Supreme Court to exercise its original jurisdiction.

40 And We do further direct, ordain, and appoint that at every criminal sessions of the said Supreme Court so to be holden as aforesaid on every such circuit the said Supreme Court shall inquire of all crimes and offences committed within the limits of any such circuit for the trial of which such original jurisdiction as aforesaid is by this Our Charter vested in the said Supreme Court, and which the King's Advocate or deputy King's advocate shall elect to prosecute before such Supreme Court, and shall hear, try, and determine all prosecutions which shall be commenced by the said King's Advocate or deputy King's advocate against any person or persons for or in respect of any such crimes or offences or alleged crimes or offences.

Offences to be prosecuted by information in the name of the Advocate fiscal.

Without a grand jury.

41 And We do further direct and ordain that all crimes and offences cognizable before any of the courts constituted by these presents or deriving authority from the same shall be prosecuted, and that all fines, penalties, and forfeitures recoverable therein to Our use shall be sued for and recovered in the name of our Advocate fiscal of Our said island, and by him or by some deputy advocate fiscal by an information to be exhibited without the previous finding of any inquest by any grand jury or otherwise. Provided, nevertheless, that it shall be competent to the said Supreme Court by such rules and orders of court as after-mentioned to make any other and more convenient provision for the prosecuting before the said district courts breaches of the peace, petty assaults, and other minor offences of the like nature.

Questions of fact on criminal prosecutions at such sessions how to be decided.

42 And We do further direct and ordain that all questions of fact upon which issue shall be joined at any such criminal sessions as aforesaid of the said Supreme Court on any such circuit as aforesaid shall be decided by such jury of thirteen men as aforesaid. And that the verdict of such jury shall be pronounced in open court by the mouth of the foreman, and that if such jury shall not agree upon their verdict, then the verdict of the major part of such jury shall be received and taken as the verdict of the jury collectively,

43 And We do further direct and ordain that all questions of law which shall arise for adjudication at any such criminal sessions as aforesaid of the said Supreme Court, in any such circuit as aforesaid, shall be decided by the judge presiding at such sessions, who shall pronounce his judgment thereupon in open court and assign the grounds and reasons of such judgment, saving, nevertheless, to every such judge the right of reserving such questions for the decision of the judges of the said Supreme Court collectively at their general sessions in manner hereinafter mentioned.

All questions of law to be decided by the judge.

Who may reserve them for the decision of the whole court.

44 And We do further appoint, declare, and direct that in every case where any person shall be adjudged to die by any sentence of the Supreme Court of Our said island at any such criminal sessions as aforesaid, the execution of such sentence shall be respited until the case of such person shall have been reported by the Chief Justice or puisne justice, who shall have presided at such trial, to the Governor of the said island for the time being, which report shall be made as soon after the passing of such sentence as conveniently may be.

Sentence of death is to be respited till the case has been reported to the Governor.

45 And We do further appoint, declare, and direct that the judge on any such circuit as aforesaid holding the said criminal sessions of the said Supreme Court shall and may issue his mandate under his hand and directed to all and every of the fiscals or other keepers of prisons within the limits of his circuit to certify to the said judge the several persons then and there in any of their custody committed for and charged with any crimes or offences whatsoever. And the said fiscals or other keepers of prisons shall and are hereby required to make, certify, and transmit due returns to such mandate by specifying in a calendar or list to be annexed to such mandate respectively the time and times when all and every of the said persons so in their custody was or were committed, and by whose authority particularly, and on what charge or charges, crime or crimes, respectively, in writing. And to the said list or calendar shall also be annexed such information or informations upon oath as may have been taken against them or any of them, and be then remaining in the hands of the said fiscals or keepers of prisons, or true copies thereof attested by the said fiscals or keepers of prisons respectively. And if need be according to the tenor and exigency of such mandate such fiscals or keepers of prisons shall bring the said persons so in their custody or any of them before the said judge wheresoever the said judge shall then be holding the criminal sessions of the said Supreme Court, together with such witness or witnesses, whose name or names shall appear to be written or endorsed on the respective commitments, by virtue of which such prisoners or prisoner were or was delivered into their custody respectively, in order that such prisoners or prisoner may be dealt with according to law. Provided always that wherever any party or parties shall after the making out of any such calendar or list, and while such judge shall be holding the criminal sessions of the said Supreme Court in the town or place wherein such calendar

The judge at the criminal sessions is to issue a mandate to all jailers within the circuits to return a calendar of prisoners.

The contents of the calendar.

The informations on oath against any prisoner to be attached to it.

The jailers to bring prisoners before the judge holding such criminal sessions.

With the witnesses whose names may be endorsed on the commitments.

Proviso for the insertion in the calendar of the names of persons committed

during the sessions.

or list was delivered, be apprehended or committed on any criminal charge, it shall and may be lawful for the officer of such Supreme Court to insert the name or names of such person or persons in such calendar or list.

The judge at Colombo to hold the civil and criminal sessions of the Supreme Court for that district.

46 And We do further direct, declare, and appoint that any judge of the Supreme Court remaining at Colombo shall within the limits of the district of Colombo exercise the same jurisdiction and hold such and the same civil and criminal sessions as the said judges of the Supreme Court are by these presents directed, appointed, and ordained to exercise and to hold on their respective circuits within the limits of their respective circuits.

Judge on circuit or at Colombo may reserve questions of law, &c., for the whole court, in general sessions.

47 And We do further ordain and appoint that whenever any question of law, pleading, evidence, or practice shall arise for adjudication at any civil or criminal sessions of the said Supreme Court at any such circuit as aforesaid, or within the said district of Colombo, which shall appear to the judge presiding at such sessions to be a question of doubt and difficulty, it shall be lawful for such judge to reserve such question of law, pleading, evidence, or practice for the decision of the judges of the said Supreme Court collectively, and to report any question so reserved to the said judges at some general sessions of the said Supreme Court to be held for that purpose as hereinafter mentioned. And We do further direct and appoint that the judges of the said Supreme Court shall, from time to time as occasion may require, collectively hold a general sessions at Colombo to hear and inquire of any questions of law, pleading, evidence, or practice so reserved as aforesaid, and to decide the same according to law.

Judges to compare the records of district courts: if the practice vary, to prepare laws on questions of law or evidence, and rules of court on pleading or practice.

48 And We further authorize and require the respective judges of the said Supreme Court on such circuits as aforesaid, and at the sessions so to be holden for the district of Colombo, to inspect and examine the records of the different district courts. And if it shall appear to them that contradictory or inconsistent decisions have been given by different district courts or by the same district court upon different occasions upon any matters of law, evidence, pleading, or practice, then and in every such case the said judges of the Supreme Court shall report to the judges of the Supreme Court at Colombo, at such general sessions as aforesaid, any such contradictions or inconsistencies, and the said judges of the Supreme Court shall, after due consideration of the matters so brought before them, prepare the draft of such a declaratory law upon any matter of law or evidence in respect to which such contradictory or inconsistent decisions shall have been given, as the occasion shall appear to them to require, and shall transmit such draft under the seal of the said court to the Governor for the time being of Our said island, who shall thereupon lay the draft of such declaratory law before the Legislative Council of the said island for their consideration. And We further direct and ordain that the said judges of the Supreme Court shall, in pursuance of the powers hereinafter vested in them, after due consideration of any reports so to be made as aforesaid by any such judge of any such contradiction or inconsistency as aforesaid in any matter of

pleading or practice, make or establish such general rules or orders of court for the removal of any doubts respecting any such matters as the occasion shall appear to them to require.

Supreme court, &c., may issue writs of *habeas corpus*;

49 And We do further ordain and appoint that the said Supreme Court or any judge thereof at any sessions so to be holden as aforesaid on any such circuit as aforesaid, or in the district of Colombo, or at any general sessions of the judges of the said court collectively, shall be and are hereby authorized to grant and issue mandates in the nature of writs of *habeas corpus*, and to grant or refuse such mandates to bring up the body of any person who shall be imprisoned within any part of the said island or its dependencies, and to discharge or remand any person so brought up or otherwise deal with such person according to law. And We do further direct and appoint that the said Supreme Court or any judge thereof at any sessions so to be holden on any such circuit as aforesaid, or in the district of Colombo, or at any general sessions of the said court collectively, shall be, and they and he are and is hereby authorized to grant and issue injunctions to prevent any irremediable mischief which might ensue before the party making application for such injunction could prevent the same by bringing an action in any district court; provided always that it shall not be lawful for the said Supreme Court nor for any judge thereof in any case to grant an injunction to prevent any person from suing or prosecuting a suit in any district court, or to prevent any party to any suit in any district court from appealing or prosecuting an appeal to any court of appeal, or to prevent any party to any suit in any court of original jurisdiction or in any court of appeal from insisting upon any ground of action, defence, or appeal.

and injunctions;

but not to prevent parties from suing, defending, or appealing.

And may order the records of cases on appeal to be transmitted to Colombo; and to decide the same by consent at general sessions.

50 And whereas it may be expedient that the judges of the said Supreme Court of Colombo, previously to the commencement of any such circuits as aforesaid, should be enabled to inspect and examine the records of the said district courts in cases upon which appeals may have been entered. And it may also be convenient that with the consent of the litigant parties the hearing of such appeals should take place before the judges of the said court collectively at their general sessions at Colombo, and not at such circuits as aforesaid. And it may also be convenient that in certain cases the judges of the said Supreme Court collectively at such general sessions should be authorized to decide in a summary way, and without further argument, questions arising upon any such appeals, We do therefore further will, direct, ordain, and appoint that it shall be lawful for the judges of the said Supreme Court by such general rules and orders as hereinafter mentioned to require the said district courts to transmit to them at Colombo the records of such district courts in any cases upon which appeals may have been entered. And We do authorize and empower the judges of the said Supreme Court collectively at any such general sessions as aforesaid, with the consent of all the litigant parties, but not otherwise (save as hereinafter provided in cases appealed to Us in Our Privy Council), to hear

any such appeals or to decide the same or any particular question or questions arising thereupon in a summary way and without further argument, and to remit any such records with such their final decision thereupon to such district courts to be by them carried into execution.

And may make rules of court;

51 And whereas for carrying into effect the various provisions of this present Charter and for the more prompt and effectual administration of justice in Our said island, it is necessary that regulations should be made respecting the course and manner of proceeding to be observed and followed in all suits, actions, and criminal prosecutions and other proceedings whatsoever to be brought, commenced, had, or taken within the said district courts and the said Supreme Court respectively, which regulations cannot be properly made except by the judges of the said Supreme Court. We do therefore hereby further declare Our pleasure to be, and do will, ordain, direct, and appoint that it shall be lawful for the judges of the said Supreme Court collectively at any general sessions to be by them holden at Colombo as aforesaid from time to time to frame, constitute, and establish such general rules and orders of court as to them shall seem meet, touching and concerning the time and place of holding any general sessions of the judges of the said Supreme Court collectively; and any civil or criminal sessions of the said Supreme Court on any such circuits as aforesaid or in the district of Colombo, and the said several district courts, as shall not be inconsistent with the authority hereinbefore granted to the Governor of Our said island respecting the appointing of the times at which and the places to which the judges of the said Supreme Court shall perform their circuits, together with such general rules and orders as to them shall seem meet, and touching and concerning the form and manner of proceeding to be observed in the said Supreme Court at any general sessions, and at such civil and criminal sessions as aforesaid on such circuit as aforesaid or in the district of Colombo, and in such district courts respectively; and touching and concerning the practice and pleadings upon all actions, suits, and other matters both civil and criminal to be therein brought, the proceedings of the fiscals and other ministerial officers of the said courts respectively, the process of the said courts and the mode of executing the same, the qualifications, summoning, impannelling, and challenging of assessors, and the summoning, impannelling, and challenging of jurors, arrest on mesne process or in execution, the taking of bail, the duties of jailers and others charged with the custody of prisoners, in so far as respects the making due returns to the respective judges of the said Supreme Court of all prisoners in their custody, and respecting the mode of prosecuting such appeals as aforesaid from the said district courts, the admission of advocates and proctors in the said courts respectively, together with all such general rules and orders as may be necessary for giving full and complete effect to the provisions of this present Charter in whatsoever respects the form and manner of administering justice in the several courts hereby constituted, and all such rules, orders, and regulations from time to time to revoke, alter, amend, or

as to the time and place of sessions;

and as to the procedure, civil and criminal, of the Supreme and district courts and of fiscals;

and as to process, assessors, jurors, arrest, bail, and jailers;

and as to appeals and the admission of advocates and proctors

renew as occasion may require. Provided always that no such rules, orders, and regulations shall be repugnant to this Our Charter. And that the same shall be so framed as to promote as far as may be the discovery of truth and economy and expedition in the despatch of the business of the said several courts respectively. And that the same be drawn up in plain, succinct, and compendious terms, avoiding all unnecessary repetitions and obscurity, and promulgated in the most public and authentic manner in the said island as long before the same shall operate and take effect as to such judges may appear practicable and convenient. And provided always that all such rules, orders, and regulations shall forthwith be transmitted to Us, Our heirs, and successors under the seal of the said court for Our or their approbation or disallowance.

not to be repugnant to this Charter;

and to be transmitted for His Majesty's approval or disallowance.

52 And We do further grant, ordain, direct, and appoint that it shall be lawful for any person or persons being a party or parties to any civil suit or action depending in the said Supreme Court to appeal to Us, Our heirs, and successors in Our or their Privy Council against any final judgment, decree, or sentence, or against any rule or order made in any such civil suit or action, and having the effect of a final or definitive sentence, and which appeals shall be made subject to the rules and limitations following:

Appeal to His Majesty in Council.

First.—That before any such appeal shall be so brought such judgment, decree, sentence, rule, or order shall be brought by way of review before the judges of the said Supreme Court collectively holding a general sessions at Colombo at which all the said judges of the said Supreme court shall be present and assisting, which judges shall by such rules and orders as aforesaid regulate the form and manner of proceeding to be observed in bringing every such judgment, decree, sentence, rule, or order by way of review before them, and shall thereupon pronounce judgment according to law, the judgment of the majority of which judges shall be taken and recorded as the judgment of the said court collectively.

Cause to be first heard at general sessions of Supreme Court.

Secondly.—Every such judgment, decree, order, or sentence from which such an appeal shall be admitted to Us, Our heirs, and successors as aforesaid shall be given or pronounced for or in respect of a sum or matter at issue above the amount or value of five hundred pounds sterling, or shall involve directly or indirectly the title to property or to some civil right exceeding the value of five hundred pounds sterling.

Amount appealable.

Thirdly.—The person or persons feeling aggrieved by such judgment, decree, order, or sentence shall, within fourteen days next after the same shall have been pronounced, made, or given, apply to the said Supreme Court at such general sessions as aforesaid by petition for leave to appeal therefrom to Us, Our heirs, and successors in Our or their Privy Council.

Application for leave to appeal to be made within fourteen days.

Fourthly.—If such leave to appeal shall be prayed by the party or parties who is or are adjudged to pay any sum of money or to perform any duty, the said Supreme Court shall direct that the judgment, decree, or sentence appealed from shall be carried into execution if the party or parties

Judgment to be executed on securities being given for restitution.

respondent shall give security for the immediate performance of any judgment, decree, or sentence which may be pronounced or made by Us, Our heirs, and successors in Our or their Privy Council upon any such appeal, and until such security be given the execution of the judgment, decree, order, or sentence appealed from shall be stayed.

Court may stay execution when justice requires it, appellant giving security.

Fifthly.—Provided, nevertheless, that if the party or parties appellant shall establish to the satisfaction of the said Supreme Court that real and substantial justice requires that pending such appeals execution should be stayed, it shall be lawful for such Supreme Court to order the execution of such judgment, decree, order, or sentence to be stayed pending such appeal, if the party or parties appellant shall give security for the immediate performance of any judgment, decree, or sentence which may be pronounced or made by Us, Our heirs, or successors, in Our or their Privy Council upon any such appeal.

Appellant to give security for prosecution of appeals and payment of costs.

Sixthly.—In all cases security shall also be given by the party or parties appellant for the prosecution of the appeal and for the payment of all such costs as may be awarded by Us, Our heirs, and successors to the party or parties respondent.

Court to determine security.

Seventhly.—The court from which any such appeal as aforesaid shall be brought shall, subject to the conditions hereinafter mentioned, determine the nature, amount, and sufficiency of the several securities so to be taken as aforesaid.

If title to immovable property be subject of appeal security not required; if occupation, how to be determined.

Eightly.—Provided, nevertheless, that in any case where the subject of litigation shall consist of immovable property, and the judgment, decree, order, or sentence appealed from shall not change, affect, or relate to the actual occupation thereof, no security shall be demanded either from the party or parties respondent, or from the party or parties appellant for the performance of the judgment or sentence to be pronounced or made upon such appeal, but if such judgment, decree, order, or sentence shall change, affect, or relate to the occupation of any such property, then such security shall not be of greater amount than may be necessary to secure the restitution free from all damage or loss of such property or of the intermediate profit which pending any such appeal may probably accrue from the intermediate occupation thereof.

If movable property be the subject of appeal, bond to be given.

Ninthly.—In any case where the subject of litigation shall consist of money or other chattels or of any personal debt or demand, the security to be demanded either from the party or parties respondent, or from the party or parties appellant, for the performance of the judgment or sentence to be pronounced or made upon such appeal, shall be either a bond to be entered into in the amount or value of such subject of litigation by one or more sufficient surety or sureties, or such security shall be given by way of mortgage or voluntary condemnation of or upon some immovable property situate and being within such island, and being of the full value of such subject of litigation over and above the amount of all mortgages and charges of whatever nature upon or affecting the same.

Tenthly.—The security to be given by the party or parties appellant for the prosecution of the appeal and for the payment of costs shall in no case exceed the sum of three hundred pounds sterling, and shall be given either by such surety or sureties, or by such mortgage or voluntary condemnation as aforesaid.

Security for prosecution of appeal never to exceed £300.

Eleventhly.—If the security to be given by the party or parties appellant for the prosecution of the appeal and for the payment of such costs as may be awarded shall in manner aforesaid be completed within three months from the date of the petition for leave to appeal, then and not otherwise the said Supreme Court shall make an order allowing such appeal, and the party or parties appellant shall be at liberty to prefer and prosecute his, her, or their appeal to Us, Our heirs, and successors in Our or their Privy Council in such manner and under such rules as are observed in appeals made to Us in Our Privy Council from our plantations or colonies.

Appellant to be allowed three months to enter into securities.

Twelfthly.—Provided, nevertheless, that any person or persons feeling aggrieved by any order which may be made by, or by any proceedings of the said Supreme Court respecting the security to be taken upon any such appeal as aforesaid, shall be and is hereby authorized by his, her, or their petition to Us in Our Privy Council to apply for redress in their premises.

Application may be made to His Majesty in council against orders on the subject of securities.

53 Provided always and We do further ordain, direct, and declare that nothing herein contained doth or shall extend to take away or abridge the undoubted right or authority of Us, Our heirs, and successors to admit and receive any appeal from any judgment, decree, sentence, or order of the said Supreme Court on the humble petition of any person or persons aggrieved thereby in any case in which, and subject to any conditions or restrictions upon and under which it may seem meet to Us, Our heirs, and successors so to admit and receive any such appeal.

Reservation to His Majesty of the right of admitting appeals without regard to these rules.

54 And We do further direct and ordain that in all cases of appeal allowed by the said Supreme Court or by Us, Our heirs, and successors such court shall, on the application and at the costs of the party or parties appellant, certify and transmit to Us, Our heirs, and successors in Our or their Privy Council a true and exact copy of all proceedings, evidence, judgments, decrees, and orders had or made in such causes so appealed, so far as the same have relation to the matter of appeal, such copies to be certified under the seal of the said court.

Transcripts of records to be transmitted to His Majesty in Council.

55 And We do further ordain and direct that the said Supreme Court shall in all cases of appeal to Us, Our heirs, and successors conform to, execute, and carry into immediate effect such judgment and orders as We, Our heirs, and successors in Our or their Privy Council shall make thereupon, in such manner as any original judgment or decree of the said Supreme Court can or may be executed.

Supreme Court to execute judgments pronounced by His Majesty in Council on appeal.

56 And We do further ordain and direct that all laws, customs, and usages now or at any time heretofore established or in force in the said island, so far as such laws or usages

Revocation of all laws repugnant to this Charter.

are in any wise repugnant to or at variance with this present Charter shall be, and the same are hereby revoked, abrogated, rescinded, and annulled.

Definition of the title "Governor."

57 And We do further declare that for the purpose and within the meaning of the present Charter any person lawfully administering for the time being the government of the said island shall be deemed and taken to be the Governor thereof.

Governor to fix the time at which the Charter is to come into operation, when all suits pending are to be transferred to the new limits.

58 And We do further ordain and direct that at the expiration of two calendar months next after the arrival within the said island of these presents, or at such earlier period as the Governor for the time being of the said island shall by a Proclamation to be for that purpose issued, appoint, this Our Charter shall come into operation within the said island, and from that time forward every suit, action, complaint, matter, or thing which shall be then depending before any court administering justice by original or appellate jurisdiction in the said island and its dependencies shall and may be proceeded upon in the court in which it ought to have been instituted, or to which it ought to have been carried up in appeal if it had been instituted or carried up in appeal after the time when the provisions herein contained shall have come into operation, and all proceedings which shall hereafter be had in such suit, action, complaint, matter, or thing respectively shall be conducted in like manner as if such suit, action, complaint, matter, or thing had been instituted or carried up in appeal in or to such last-mentioned court, and all the records, muniments, and proceedings whatsoever belonging or pertaining to any such suit, action, complaint, matter, or thing shall, when the provisions herein contained shall have come into operation, be delivered over by the court in which such suit, action, complaint, matter, or thing shall be then depending to the court in or to which such suit, action, complaint, matter, or thing ought to have been instituted or carried up in appeal if it had been instituted or carried up in appeal after the time when the provisions herein contained shall have come into operation.

All persons to aid in the execution of the Charter.

59 And We do hereby strictly charge and command all Governors, commanders, magistrates, ministers (civil and military), and all Our liege subjects within and belonging to the said island and its dependencies, that in the execution of the several powers, jurisdictions, and authorities hereby granted, made, given, or created, they be aiding and assisting and obedient in all things, as they will answer the contrary at their peril.

Reservation of right to revoke and amend the Charter.

60 Provided always that nothing in these presents contained or any act which shall be done under the authority thereof, shall extend or be deemed or construed to extend to prevent Us, Our heirs, and successors by any other Letters Patent to be by Us or them from time to time for that purpose issued under the Great Seal of the United Kingdom from revoking this Our Charter or any part thereof, or from making such further or other provision for the administration of justice throughout the said island and its dependencies at

Our and their will and pleasure as circumstances may require ; We meaning and intending fully and absolutely to all intents and purposes whatsoever to reserve to Ourselves, Our heirs, and successors such and the same rights and powers in and over the said island and its dependencies, and especially touching the administration of justice therein and all other matters and things in and by these presents provided for, as if these presents had not been made, anything in these presents contained, or any law, custom, usage, matter, or thing whatsoever to the contrary in any wise notwithstanding.

In witness whereof We have caused these Our letters to be made patent, witness Ourself at Westminster the eighteenth day of February, in the third year of Our Reign.

By writ of Privy Seal,

BATHURST.

APPENDIX II.

THE TESAWALAMAI,

OR,

THE LAWS AND CUSTOMS OF THE MALABARS OF JAFFNA.

Promulgated by the Dutch Government of Ceylon in the year 1707, and referred to in the Government Regulation No. 18 of December 9, 1806.

DESCRIPTION of the Jaffnapatam Ancient Customs and Rules, according to which persons of this Province are in the habit of recovering in Civil Matters, such as Inheritances, Adoptions, Gifts, Seizure, Purchase and Sale, Pledging and Redemption of Land and Gardens, &c., drawn up and collected by me, the undersigned, pursuant to the Order of Our Honourable Commandeur the Governor of Ceylon, Mr. CORNELIS JOAN SIMONS, and the Council at Colombo, by Letter dated 14th August, 1706, directed hither, according to the experience which I, in the period of seven and thirty years that I have been passing here, of which said period most has been in this Province, have acquired.

SECTION I.

OF INHERITANCES AND SUCCESSION TO PROPERTY.

1. Different kinds of property.
2. Of dowry.
3–6. Of the marriage of daughters and the dowry given with them.
7. Of the marriage of sons and their portions.
8. Of resignation of property.
9. Of succession to property where children and their mother are left.
10. Property how to be divided where the mother marries again.
11. Of succession to property where children and their father are left.
12. Of the division of property where orphan children are left.
13. Division of property where there are half-brothers and sisters.
14. Division of property where there is issue of both marriages.
15. Division of property where two persons, each being the sole child of their respective parents, die without issue.
16. Property how to be divided where it has been improved.
17. How where a Pagan marries a Christian woman.
18. How where two Pagans intermarry.

I WILL commence by stating that a man and woman being married all descending heirs must proceed from them, and from them likewise can be indicated the inheritance in the ascending relation.

Different Kinds of Property.

1 From ancient times all the goods brought together in marriage by such husband and wife have from the beginning been distinguished by the denomination of *modesium*, or hereditary property, when brought by the husband, and when brought by the wife, were denominated in the Tamil language *chidenam*, or by us *dowry;* the profits during marriage are denominated *tediatêtam*, or *acquisition*. On the death of the father all the goods brought in marriage by him should be inherited by the son or sons, and when a daughter or daughters married, they should each receive dowry, or *chidenam*, from their mother's property, so that invariably the husband's property always remains with the male heirs, and the wife's property with the female heirs, but the acquisition or *tediatêtam* should be divided among the sons and daughters alike; the sons, however, must always permit that any increase thereto should fall to the daughter's share.

Of Dowry.

2 But in process of time, and in consequence of several changes of Government, particularly those in the times of the Portuguese (when the Government was placed by order of the King of Portugal in the hands of Don Philip Mascarenha), several alterations were gradually made in those customs and usages, according to the testimony of the oldest Mutaliyárs, so that, at present, whenever a husband and wife give a daughter or daughters in marriage the dowry is taken indiscriminately, either from the husband's or wife's property, or from the *acquisition*, in such manner as they think proper, that is to say, by parts and pieces, for there is scarcely any person who can say that he possesses the sole property of entire pieces of ground, gardens, companies of slaves, &c., for it will generally be found that he is actual owner of not more than the half or one-sixteenth part or less of the property.

Of the Marriage of Daughters and the Dowry given with them.

3 The nearest relations, either on the father's or mother's side, from a particular regard to the bride, in order that such bride may make a better marriage, often enlarge the dowry by adding some of their own property to it: and such a present should be particularly described in the *doty*, *marriage act*, or *ola*, which must specify by whom the present or gift is made, and the donor must also sign the act or *ola*; but such a donation or gift is voluntary. When the act of *doty* is executed it is presumed that it is done without fraud, but the donor does not point out therein what his share is of the pieces of ground, gardens, or slaves which he gives by pieces to his daughter or daughters, but says merely "such and such part of such a piece of ground;" so that, frequently, the receiver or bridegroom finds himself deceived in his expectations, which always causes differences and disputes, for many often expect to get a sixth

part when they do not get more than one-sixteenth. For instance, a husband and wife having five children, viz., two sons and three daughters, and possessing a quarter or fourth part of a ground called *Várakkúli*, of which they give as a dowry to each of their daughters, when they marry, a fourth part of their (the husband's and wife's) share in the said ground, which together is three-fourths, and retain the other one-fourth for themselves as long as they live: but after their death the two sons come and take each the half, consequently the daughters have no more than one-sixteenth part each of the said ground, and the two sons each but one thirty-second part; and it is the same with the donations of gardens, slaves, &c., from which often disputes also arise. The daughters must content themselves with the dowry given them by the act or *doty ola*, and are not at liberty to make any further claim on the estate after the death of their parents, unless there be no more children, in which case the daughters succeed to the whole estate. And in case the new-married couple, to whom one or more pieces of the said gardens, slaves, &c., have been given in marriage, do not take possession thereof within ten years, they forfeit their claim thereto: for there has been of old, since the time of the Tamil kings, a proverb, *Oṭṭiyum chítaṇamum paṭṭiyál*, that is, immediate possession must be taken of dowry and pawns. If this be not done, the lands, gardens, slaves, &c., again become a part of the common estate in the same manner as if they had never been given to the young married couple, unless they can produce an act of their parents concerning their delay in taking such possession.

4 If a father or mother gives as a dowry to their daughter or daughters a piece of land or garden which is mortgaged for a certain sum of money, and say in the *doty ola*, "*a piece of land called Kaḷuvaṉpaṉku, which is mortgaged to Kantar Pútar for sixty fanams, but which the bridegroom and his bride must redeem for that money*," and if they are unable to do it, and the mortgagee does not wish to retain any longer the mortgage for the money lent by him, the parents themselves are obliged to redeem it; and notwithstanding (although it be fifty years afterwards) the said mortgaged land or garden devolves again to the child to whom it was originally donated by the *doty ola*, provided the money for which it had been mortgaged is paid by such a child.

5 If one or more pieces of land, garden, or slaves, &c., are given as a marriage gift, respecting which at the expiration of some years a lawsuit arises, and the young couple lose the same by the suit, the parents who gave the same (and after their decease the sons) are obliged to make good the loss of the land, garden, or slaves, &c., for a well-drawn up and executed *doty ola* must take effect, because it is by this means that most of the girls obtain husbands, as it is not for the girls but for the property that most of the men marry; therefore, the dowry they lose in the manner above stated must be made good to them, either in kind or with the value thereof in money. Should it happen that

after the marriage of the daughter or daughters the parents prosper considerably, the daughters are at liberty to induce their parents to increase the *doty*, which the parents have an undoubted right to do.

If all the daughters are married in the manner above stated, and each has received the dowry then given by their parents, and if one or more of them dies without issue, in such case the property indisputably devolves to the other sisters, their daughters, and granddaughters; but if there should be none of them in existence, the property in such case falls in succession to the brothers, their sons, and grandsons, if any; if not, the property reverts to the parents, if alive; and if not, the father's *modesium*, or hereditary property, and the half of the *tediatêtam*, or acquired property (after deducting therefrom the half of the debts), devolves first to his brother or brothers, then to their sons and grandsons; and the mother's *chidenam*, or dowry, with the other half of the acquired property, after deducting therefrom also the remaining half of the debts, devolves to her sister or sisters, their daughters, or granddaughters, *ad infinitum*.

6 Although it has been stated that where a sister dies without issue the dowry obtained by her from her parents devolves to her other sister or sisters, yet it sometimes happens that her mother, having in the meantime become a widow and poor, requests the sister or sisters of the deceased to allow her to take possession of the property of her deceased daughter, and to keep the same as long as she lives, to which they sometimes agree, but are by no means bound to do it; but in order that they may not subject themselves to any loss, they ought to have the property described and registered, otherwise on the mother's death the son or sons will come and take possession of all that she has left.

Of the Marriage of Sons and their Portions.

7 Having pointed out the manner in which the daughters are given in marriage, and what becomes of their property when they die, I will now proceed to state what relates to the sons. So long as the parents live, the sons may not claim anything whatsoever; on the contrary, they are bound to bring into the common estate (and there to let remain) all that they have gained or earned during the whole time of their bachelorship, excepting wrought gold and silver ornaments for their bodies which have been worn by them, and which have either been acquired by themselves or given to them by their parents, and that until the parents die, even if the sons have married and quitted the paternal roof.*

So that when the parents die, the sons then *first* inherit the property left by their parents, which is called *modesium*, or hereditary property; and if any of the sons die without leaving children or grandchildren, their property devolves

* See Colebrooke's Hindu Law, Vol. III., p. 27

in the like manner as is said with respect to the daughters' property, which devolves to the women as long as there are any. The property of the sons, therefore, devolves to the men, and in failure of them to the women; and although the parents do not leave anything, the sons are nevertheless bound to pay the debts contracted by their parents, and although the sons have not at the time the means of paying such debts* they nevertheless remain at all times accountable for the same; which usage is a hard measure though according to the laws of the country.

Of Resignation of Property.

8 †Should it happen that age renders the parents incapable of administering their own acquired property, the sons divide the same,‡ in order that they may maintain their parents with it, and it will be often found that sons know how to induce their parents to such a division or resignation of their property, with a promise of supporting them during the rest of their life; but should the sons not fulfil their promise, the parents are at liberty to resume the property which has been so divided among the sons, which is not done without a great deal of trouble and dispute. And the experience of many years has taught us that such parents (in order to revenge themselves on their sons) endeavour by unfair means to mortgage their property for the benefit of their married daughters or their children; and for this reason it has been provided by the *Commandeur* that such parents may not dispose of their property either by sale or mortgage without the special consent of the *Commandeur*, which is now become a law.

Of Succession to Property where Children and their Mother are left.

9 If the father dies first leaving one or more infant children, the whole of the property remains with the mother, provided she takes the child or children she has procreated by the deceased until such child or children (as far as relates to the daughters) marry; when the mother, on giving them in marriage, is obliged to give them a dowry, but the son or sons may not demand anything so long as the mother lives, in like manner as is above stated with respect to parents.

Property how to be divided where the Mother Marries again.

10 Should, however, the mother marry again and have children by her second marriage, then she does with the daughters as is above stated with respect to parents. But it is to be understood that if she has daughters by her first husband she is obliged to give them, as well as the daughters by her second husband, their dowries from her own *doty* property; and if the son or sons marry or wish to

* See Colebrooke's Hindu Law, Vol. I., pp. 273, 274, and the Note by Sir W. Jones.
† See Colebrooke's Hindu Law, Vol. III., pp. 23, 24.
‡ See Colebrooke's Hindu Law, Vol. III., pp. 38, 39.

quit her, she is obliged to give them the hereditary property brought in marriage by their father and the half of the acquired property obtained by the first marriage, after deducting therefrom the dowry which may have been given to the daughters.

If the mother of whom we have just spoken also dies, the sons, both of the first and second marriage, succeed to the remaining property which the mother acquired by marriage; besides which such son or sons are entitled to the half of the gain acquired during the mother's marriage with his or their father, and which remained with the mother when he or she married, and provided that therefrom are also to be paid the debts contracted by her or their father when alive.

But if any part of that property is diminished or lessened during the second or last marriage, then the second husband, if he still be alive,—or if he be dead, his son or sons,—are obliged to make good the deficiency, either in kind or in money, in such manner as may be agreed upon.

On the other hand, the son or sons of the second marriage are entitled to the hereditary property brought in marriage by his or their father, and also to the property acquired during marriage after all the debts contracted by him shall have been paid from the same.

Of Succession to Property where Children and their Father are left.

11 *If the mother dies first, leaving a child or children, the father remains in the full possession of the estate so long as he does not marry again, and does with his child or children and with his estate in the like manner as is above stated with respect to the mother.*

If a father wishes to marry a second time, the mother-in-law or nearest relation generally takes the child or children (if they be still young) in order to bring them up; and in such case the father is obliged to give at the same time with his child or children the *whole* of the property brought in marriage by his deceased wife and the half of the property acquired during his first marriage. When those children are grown up and able to marry, that is to say, the daughters (if any there be), the father must go to the grandfather or grandmother with whom the children are, in order to marry them and to give them a dowry both from their deceased mother's marriage portion and from the acquired property, which, as before stated, had been given to the relations with the children, and from his own hereditary property.

This being done, and if anything remains of what had been given to the relations with the children as above stated, and if the son or sons have acquired a competent age to administer what remains, they then take and possess the same without dividing it until they marry, when they divide it equally among themselves, together with the profits acquired thereon; but if they make a division

immediately on taking possession of what remains, so that each possesses his share separately, then they are not obliged to share with each other what each has acquired.

But should there remain nothing of the mother's property and of the half of the acquired property during marriage, the sons, whether young men or married, must do as well as they can until their father dies; for these sons by the former marriage cannot claim anything from this their father.

If such a father has by his second wife a child or children, and among them a son or sons (for it is unnecessary to say anything further concerning daughters), and dies, his property which exists is divided into two equal shares, one of which the son or sons by the first wife take and the other the son or sons by the second wife, although there should be but one son of the first and five or six of the second. And what remains of the half of the acquired property during the first marriage must also devolve to the son or sons of that marriage; but if any part thereof has been diminished during the second marriage, then the sons of this marriage are obliged to make good the deficiency to the sons of the first marriage in the manner above stated, and the son or sons of the second marriage divide the property acquired during that marriage, and also the remaining part of that which has not been given as a dowry to the sisters (but not before their mother is dead); in which case the sons are obliged to pay all the debts contracted by the father during his marriage with their mother.

Of the Division of Property where Orphan Children are left.

12 If the father and mother die without being married more than once, and their surviving children are infants under age, then the relations of both sides assemble to consult to whose care the children are to be entrusted; and a person being chosen, the children are delivered to him together with the whole of the property left by the parents, which remains with such persons until they attain a competent age to marry; and when they are grown up it is to be supposed that it will be the turn of the eldest first to marry, when the friends must again assemble to consult what part of his or her parents' property shall be given to him or her as a dowry, with which he or she must be content. In order to understand the following observations better, we will limit the number of brothers and sisters remaining unmarried to *three*—that is to say, two brothers and one sister—which last, on account of some misfortune or other, remains unmarried. If the brothers (having attained in the meantime a competent age) marry, and if she desires that the remaining property of her parents shall be divided, the relations and possessors thereof may not refuse it; but the brothers must in such case allow their sister who remains unmarried to have a larger share. This, however, the brothers often oppose, particularly when there is but little, because when the unmarried sister dies the married one succeeds to all that the unmarried one was possessed of.

But should it happen that both the brothers after they have grown up and are married possess the before-mentioned property without having divided it, and that the unmarried sister receives nothing else besides what is necessary to provide herself with subsistence and clothing until her death, in such a case the whole of the property remains with the brothers, and the married sister has no right or claim thereto; and should it happen that the unmarried sister had allowed herself to be deflowered and thereby had a child, she (in order to bring it up decently) ought to agree with the brothers and sisters to divide the estate of their parents, in order to enable her to allot her child a certain portion thereof.

Division of Property where there are Half-Brothers and Sisters.

13 With respect to the succession of half-brothers and sisters, if a woman who has been married twice, and by the first husband has had a son and by the second a son and daughter, and these all survive their parents and act with their parents' estate as is above mentioned, and if the son of the second marriage dies without leaving a child or children, and the question is, Who shall inherit the deceased's estate?—(respecting which the principal Mutaliyárs and inhabitants have not agreed)—many are of opinion that the full-sister must be preferred above the half-brother, but this would be quite contrary to the old established laws. Therefore I agree in opinion with the greatest part of the inhabitants who have been consulted on the subject, that the half-brother, from the side he is brother—that is to say, from the mother's side—must succeed to the inheritance, and the sister, because there cannot be brothers from the father's side, must succeed to all that is come from the father's side, and the acquired property must be divided half and half between the half-brother and full-sister, provided that it has been acquired by means of the mutual property.

Division of Property where there is Issue of both Marriages.

14 If the husband has been married twice, and has by his first wife had a son and daughter, and only one daughter by his second wife, and if the daughters have been married and received a dowry, and the father dies, it would be supposed, from what has been stated, that the son must succeed to the estate of the deceased; but in this case it may not take place, for the daughter of the second marriage must inherit equally with her brother, there being no full-brother to inherit. If a man has a child or children, and his brother and sister die before or after him without children, then this man's son succeeds both to his brother's and sister's property as well as to that of his deceased father.

It is the same with a woman who has a child or children, and whose brother or sister dies afterwards without leaving children, for this woman's daughter or daughters inherit both from the brother and sister of her or their deceased mother; but if the said brother and sister die first, and if the mother of the before-mentioned daughter is still alive,

then the mother inherits from the brother and sister, whereby the daughters remain deprived of that inheritance, for when the mother afterwards dies her son or sons are justly entitled to all that their mother leaves at her death.

Division of Property where two Persons, each being the sole Child of their respective Parents, die without Issue.

15 In the case of two married persons, each in particular being the sole child of their respective parents, all that the mutual parents possessed must be brought together; and if the husband dies without leaving a child or children, then the property which proceeded from the father returns to the father's nearest relations, and to his mother's nearest relations all her dowry which he inherited and of the acquired property and debts, each a fourth part. The same usage obtains, as it respects her, for all that she inherited from the father returns to the father's nearest relations, and her mother's dowry to the mother's nearest relations, and of the acquired property and debts to each a fourth part, excepting that the gold and silver made for the husband's use goes reciprocally to his own father and to his mother's relations and all that was made for the wife's use and worn by her goes to her relations, although there should be on the one side the value only of ten rix-dollars and on the other the value of one hundred rix-dollars.

Having thus stated what is to be done with the property when a husband and wife dies, one after the other, without leaving a child or children, it is now necessary that we show, in case one of them dies, what the heirs ought to do to prevent all difficulties and losses. They must cause the survivor to return what was brought in marriage by the deceased, and also the half of the acquired property, they being justly entitled thereto; but if from motives of affection or otherwise the heirs wish to leave the survivor in the possession of any part of the inheritance, they must do it in writing. If they neglect to do this, they must, when the survivor marries again, take back the property left in his or her possession. But if they do not do this also, and if he or she, having children by the second marriage, dies, in such case the heirs who have suffered so many years to elapse without claiming the property as are established by the laws of the country, remain deprived thereof. With respect to the crops that have been gathered, when one of them has died, disputes have often risen, one pretending that so much was produced from the hereditary lands, while the other pretends that so much was produced from the dowry lands; but no attention is paid to such claims, for all kinds of grain collected are considered as acquired property, which they really are, and as such are divided equally.

Should any of the man's hereditary property or woman's dowry be diminished during marriage, when one of them dies and the property is divided the same must be made good from the acquired property, if it be sufficient; if not, he or she who suffers the loss must put up with it patiently.*

* See Van Leuwen, p. 420. See also Vanderlinden, pp. 75 and 175; Domat, Vol. I., pp. 167, 168.

Property how to be divided where it has been improved.

16 Should husband and wife during marriage considerably improve a piece of ground, whether it be husband's hereditary property or wife's dowry - for instance, by building houses, digging wells, and planting all sorts of fruit-bearing trees thereon—the heirs of the wife, should she die first, and should the improved ground be the husband's hereditary property, shall not be at liberty to claim any remuneration for the expenses made.* In the like manner also the husband's heirs cannot claim any remuneration should the wife's dowry ground have been improved.

How where a Pagan marries a Christian Woman.

17 If a Pagan comes from the Coast or elsewhere and settles himself here, and being afterwards inclined to marry a Christian woman procure himself to be instructed in the Christian doctrine, and being sufficiently instructed is at last baptized and married, and by his industry acquires property by means of what his wife has brought in marriage, his heirs (should he die afterwards without leaving a child or children) shall not be entitled to anything : for, not having brought anything in marriage they consequently shall not carry anything out, and being moreover Pagans. But should the wife die first without leaving any child or children, the husband is lawfully entitled to the half of the acquired property, it having been gained by his industry.

How where two Pagans intermarry.

18 If a Pagan comes here as just stated and marries a Pagan woman, and such Pagan dies without leaving a child or children, his relations inherit the half of the property acquired during marriage; because should he have left any child or children, and should they or his relations claim the inheritance, they certainly would get it without his having brought anything in marriage, they being Pagans ; but having once embraced the Christian religion the Pagan's relations are not entitled to anything. Pagans consider as their lawful wife or wives those around whose neck they have bound the *taly* with the usual Pagan ceremonies ; and should they have more women, they consider them as concubines. If the wives, although they should be three or four in number, should all and each of them have a child or children, such children inherit, share and share alike, the father's property ; but the child or children by the concubines do not inherit anything.

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* See Van Leuwen. p 427.

SECTION II.

OF ADOPTION.

1. Ceremonies of adoption.
2. Of the succession to, and division of, property, in the case of adoption, where the parties adopting leave other children.
3. Where the adopted person dies without issue.
4. Where two children, not related, are adopted.
5. Of the division of property among adopted children, to the adoption of whom some of the relatives of the person adopting consent, while others refuse their consent.
6. Where one of three brothers adopts a child.
7. Of the adoption of a person of a higher or lower caste.

Ceremonies of Adoption.

1 If a man and woman take another person's child to bring up, and both or one of them being inclined to make such child their heir, they must first ask the consent of their brothers and sisters, if there be any—if not, that of their nearest relations who otherwise would succeed to the inheritance; and if they consent thereto, saffron water must be given to the woman or to the person who wishes to institute such a child their heir, to drink in the presence of the said brothers or sisters or nearest relations, and also in the presence of the witnesses, after the brothers and sisters or nearest relations, and also the parents of the child, shall previously have dipped their fingers in the water as a mark of consent. Although there be other witnesses, it is nevertheless the duty of the barbers and washermen to be present on such occasions.

If the brothers and sisters refuse to give their child, such a man and woman may take the child of another person, although a stranger, but they are not at liberty to drink saffron water without the consent of their brothers and sisters or of those who conceive themselves to be heirs; although this litigious people, from mere motives of hatred, often endeavour to prevent a man and woman who have brought up a child with the same love and tenderness as their own, from adopting such child. Nevertheless, according to the testimony of all the Mutaliyárs, such a man and woman may, in spite of the opposition, adopt such a child and bequeath it one-tenth part of the husband's hereditary or wife's dowry property; out of the acquired property they may bequeath more than one-tenth, provided they have not many debts. But such an adoption may not be made without the consent of the Magistrate, in order to keep them within the bounds of discretion, and also in order to prevent them from adopting children from motives of hatred towards their relations.

Of the Succession to, and Division of, Property in the case of Adoption, where the Parties adopting leave other Children.

2 But when the said man and woman have both together drunk saffron water, such or such a child shall inherit all that they leave when they die; and if, after such adoption, they have a child or children of their own, then such adopted child inherits together with the lawful child or children. And it is to be observed that such an adopted child being thus brought up and instituted an heir, loses all claim to the inheritance of his own parents, as he is no longer considered to belong to that family, so that he may not inherit from them. If the adopting father alone drinks saffron water, then such a child shall succeed to the inheritance of his or her own mother; and if the adopting mother has alone drunk saffron water without her husband, then such a child inherits also from his or her own father.

Where the adopted Person dies without Issue.

3 If such an adopted person dies without leaving a child or children, then all that he or she might have inherited returns to the person or persons from whom it came, or to their heirs.

Where two Children, not related, are adopted.

4 If a husband and wife adopted two children, a boy and a girl, who are not related to one another by blood, so that they can marry together, and if both husband and wife together drink saffron water in manner above stated, and if both the said adopted persons be married together after they arrive to the age of maturity, and at the expiration of time one of them dies without leaving a child or children, then the survivor inherits the whole on account of the adoption which binds them as brothers and sisters, and not in the blood. It goes in the same manner if husband and wife, after having adopted a boy, have a daughter of their own. Such a boy is allowed to marry with the daughter, provided they are not nearer related by blood than brothers' and sisters' children, and they inherit from one another as before mentioned.

Division of Property among adopted Children, to the adoption of whom some of the Relations of the Person adopting consent, while others refuse their consent.

5 If a husband and a wife wish to adopt another person's child, to which adoption some of his or her brothers and sisters or nearest relations consent, and others do not consent, in such case the husband and wife are at liberty to adopt such a child, and to make him the heir to so much as the share amounts to of those who have consented to the adoption, and who, as a token thereof, must have dipped

their fingers in the saffron water drunk by the husband and wife, leaving the inheritance to which the non-consenting party is entitled at their disposal, until such a time as husband and wife, or one of them, dies, when the child and each of them take the shares to which they are entitled. But if the said heirs, either through negligence or otherwise, permit or allow the adopted person to remain for several years in the peaceable possession of the property, the heirs by their silence forfeit their claim and title thereto.

Where one of Three Brothers adopts a Child.

6 If there are three brothers, one of whom has two children and the other two have none, and if one of these wishes, from pure motives of affection, to adopt one of his brother's children, which the other brother who has also no children wishes to approve, the two brothers may carry their design into execution, leaving to the third brother the action which he pretends to have on the inheritance. On the death of such adopting brother all his property is divided between the adopted child and the non-consenting brother, share and share alike. If the non-consenting brother, who has no children, wishes to give some of his property to the child who has remained with the father unadopted, the question is, Whether the adopted child can prevent it? The general opinion now is, that on account of the right which he had thereto (as nephew and heir of his uncle) being lost by the adoption, he must allow the giver to do with his property what he pleases as long as he lives.

Of the adoption of a Person of a Higher or Lower Caste.

7 If a man adopts in the manner above stated a youth of a higher or lower caste than his own, such child not only inherits his property, but immediately goes over into his adopted father's caste, whether it be higher or lower than his own. But if a woman adopts a child, such child cannot go over into her caste, but remains in the caste of his own father, and will only inherit the woman's property after death.

If a man adopts a girl of another caste in the manner above stated, *she* (it is true) goes over into the caste of her adopted father, but not her children or descendants: for if she marries, and has a child or children, they follow their father, except among slaves, in which case it has another tendency, for there the fruit follows the womb.

SECTION III.

OF THE POSSESSION OF GROUNDS AND GARDENS, &c.

1. Of joint possession or tenancy in common.
2. Of the renting of ground.
3. Division of produce where fruit trees overhang the ground of another.
4. To whom the possession of palmirah trees belongs.

Of Joint Possession or Tenancy in Common.

1 If two or more persons possess together a piece of ground without having divided it, and one of them incloses with a fence as much as he thinks he would be entitled to on a division, and plants thereon cocoanut and other fruit-bearing trees, and the other shareholders do not expend or do anything to their share of the ground until the industrious one begins to reap the fruits of his labour, when the other, either from covetousness or to plague and disturb, come (which is frequently the case among the Tamils) and want to have a share in the profits without ever considering that their laws and customs clearly adjudge such fruits to the person who has acquired them by his labour and industry,—when in such a case (not being able to obtain the fruits) they generally request to divide the ground to know what belongs to each person, such division may not be refused. But care must be taken in making it that the part which has been so planted falls to the share of the brother who planted the same, and that the unplanted part falls to the share of the other joint proprietors; unless they wish to put off the repartition of the ground and give one another time to plant an equal number of trees, and by proper attention to get them to bear fruit, in which case the repartition must be general without considering who has planted the ground.

Of the Renting of Ground.

2 If a person has not a proper piece of ground of his own on which to plant cocoanut trees, and is allowed to do it on another man's ground, he gets two-thirds of the fruits which the trees planted by him produce, provided that he himself furnished the plants, and the owner of the ground receives the other third; but if the owner of the ground supplies the plants, the planter gets but one-third and the owner of the ground the other two-thirds; if, however, they have *both* been at an equal expense for the plants, then they are each entitled to an equal share of the fruits and trees. This division mostly takes place in the province of Teṉmarádchi, for in the other provinces they know better how to employ their grounds than to let strangers plant cocoanut trees thereon. If a labourer squeezes out his *paṉaṉkáys* and sows the kernels in order to obtain plants, and on digging them out forgets some of them, which afterwards become full-grown trees bearing fruit, the fruit which they produce remains the

property of the owner of the ground, the trees having grown of themselves without any trouble (such as watering them) having been taken.

Division of Produce where Fruit Trees overhang the Ground of another.

3 If any one plants on his ground near the boundaries thereof any fruit-bearing trees which must be cultivated with a great deal of trouble, and if by a crooked growth the tree or any of the branches grow on or over the neighbour's grounds, the fruits of such tree nevertheless remain the entire property of the planter, without his neighbour having any right to claim the fruit of the branches which hang over his ground; but if any trees, such as tamarinds, illuppai, and margosa, grow of themselves without having been planted or any trouble having been taken, in such case the fruit belongs to the person whose ground they overshadow.*

It seems that many customs have been invented here for the sole purpose of plaguing one another: for it is sufficient to say that the trees which stand on a person's own ground have grown up of themselves without trouble or labour, and that he is not to be the owner of the branches and fruit which grow over his neighbour's ground, the fruit of such branches being indisputably his; and he is even at liberty to cut the branches, if they hinder him, and sell the same for his own profit without the consent of the owner of the ground on which the trees stand. And the owner of the branches cannot also prevent the owner of the tree from cutting it down, but in such a case he must give the branches to the person over whose ground they hang. But, on account of the margosy oil, it has been ordered, since the Company has had possession of the country, that the trees are not to be cut down without the special consent of the persons in power; and it is the same with all other fruit-bearing trees.

To whom the Possession of Palmirah Trees belongs.

4 Although a piece of ground belongs to one person and the old palmirah trees standing thereon belong to another person, the owner of such trees cannot claim the young trees, as they must remain to the possessor of the ground, excepting in the village of Aráli, where it is an ancient custom that the owner of the old trees takes possession of the young trees, which is the reason why only a few young trees are found in that village. For although a few ripe *paṉaṇkáys* fall occasionally from the trees upon the grounds from which young plants proceed, the owner of the ground, when he wants to cultivate it, has a right to extirpate such plants in order to get rid of other persons' trees on his ground.

In the province of Teṉmarádchi and Pachchilaippaḷḷi, in so far as the trees and not the grounds stand mentioned in the Company's Tómpu, the owners of the old trees take the young ones; but where the grounds are mentioned and also the young trees, and for which rent is paid, then the young palmirah trees belong to the owners of the grounds.

* See Grotius, p. 209. section 21.

SECTION IV.

OF A GIFT OR DONATION.

1. In what cases a gift may or may not be made where husband and wife live separately.
2. How far they may make donations to their nephews and nieces.
3. When they receive a gift of land from another person.
4. How far gifts to one of two sons are good.
5. Presents to sons, being bachelors, by relations, remain to them on their marriage, but no other presents.

1 When husband and wife live separately on account of some difference, it is generally seen that the children take the part of the mother and remain with her. In such a case the husband is not at liberty to give any part whatsoever of the wife's dowry away ; but if they live peaceably he may give some part of the wife's dowry away. And if the husband on his side wishes to give away any part of his hereditary property which he has brought in marriage, he may then give away one-tenth of it without the consent of the wife and children, and no more ; but the wife, being subject to the will of her husband, may not give anything away without the consent of her husband.

How far they may make Donations to their Nephews and Nieces.

2 If a husband and wife have no children, and are therefore desirous to give away some of their goods to their nephews and nieces or others, it cannot be done without the consent of the mutual relations,* and if they will not consent to it they may not give away any more of their hereditary property and dowry; and if their debts be not many they may also give something from the property acquired during their marriage. If those nephews and nieces who have received such donations die without issue, then the brothers inherit from brothers and sisters from sisters, and the children and grandchildren succeed also if there be any ; if not, it devolves to the parents of those who obtained the donation, that is to say, to their father's side and to his brother and his children, and in like manner on their mother's side to her sister and her daughters, and on failure of them to the brothers and their children; and in default of heirs on his or her side the gift returns to the donor and his nearest heirs.

When they receive a Gift of Land from another Person.

3 If a husband or his wife receives a present or gift of a garden from another person, so much of such gift or present as is in existence on the death of one of them, when the property is divided, remains to the side of the husband or wife to whom the present was made, without any compensation being claimable for any part of the gift that may have

* See Colebrooke's Hindu Law, Vol. II., p. 246.

been alienated; but the proceeds thereof acquired during marriage must be added to the acquired property. But if any one has a present of a slave, cow, sheep, or anything else that may be increased by procreation, such present, together with what has been procreated, remains to the side where it was given, without any compensation being claimable for what might have been sold or alienated thereof.

How far Gifts to one of two Sons are good.

4 If a husband and wife have two sons and no daughters, and the husband, from a greater affection which he bears the eldest son more than the youngest, wishes to give him a part of his hereditary property, he may do it by executing a regular deed: and if, after the expiration of some time the youngest son dies without issue, and afterwards the parents die one after the other, then it will be as if the gift never had been made, for everything devolves to him who received the gift; and if he dies also without issue his property is inherited in the manner above stated. The father's hereditary property and the half of the acquired property, after deducting therefrom the debts, go to his brother or brothers, and the mother's dowry property and the other half of the acquired property (after deducting also therefrom the half of the debts) go to his sister or sisters, without the latter being at liberty to claim anything on account of what the father gave to his son as above stated. The same also obtains if the grant or gift had been made on the mother's side; but if the gift has been obtained from any other person besides the father and mother, then it is divided both on the father's and on the mother's side.

If husband and wife have two, three, or more sons, and have given and delivered to them a piece of ground or garden, and if, after having possessed it for several years, the father and mother die, which causes a division of the estate, and if the above-mentioned son who has obtained the grant or gift demands that it shall be first delivered him from the estate, it may not be refused to him if he can prove it by a written document; if not, the gift is considered of no value, and is equally divided.

Presents to Sons, being Bachelors, by Relations, remain to them on their Marriage, but no other Presents.

5 We have stated above that all the property acquired by the son or sons while they are bachelors must be left by them to the common estate when they marry; but this is by no means understood to include the presents that have been made them by relations or others, which must remain to the persons to whom they have been given.

Should a husband and wife who have no children have acquired during their marriage any property, and should the husband, without the knowledge of his wife, give a part thereof to his heirs, and both afterwards die, in such case on the division of the estate the relations of the wife must receive beforehand a part equal to that which was given away by the husband to his relations when he was alive.

SECTION V.

OF MORTGAGES AND PAWNS.

1. Of mortgages of lands, on condition that the mortgagee should possess the same and take the profits thereof in lieu of money.
2. Mortgagee so in possession to be liable to all land taxes or duties.
3. Of redemption of a mortgage where due notice has not been given by the mortgagor.
4. Of mortgages for certain terms of years.
5. Of mortgages of fruit trees.
6. Of mortgages of slaves.
7. Of loans of money for the use of beasts.
8. Of pawns of jewels, &c.

Of Mortgage of Lands, on condition that the Mortgagee should possess the same and take the Profits thereof in lieu of Money.

1 When any person has mortgaged his lands or gardens to another for a certain sum of money, upon condition that such lands or gardens be possessed by the mortgagee, and that the profits thereof should be enjoyed by him instead of the interest of his money, then the mortgagor of such lands or gardens cannot redeem the same whenever he pleases, but after the crop has been reaped he must give information of his intention to the mortgagee so as to prevent any further trouble, labour, and expense to the latter. In such case the mortgagor must, without failure, pay to the mortgagee the sum of money for which the said property has been mortgaged, namely, for the *varaku* lands in the months of July and August, and for the *paddy* lands in the months of August and September; but should the mortgagee have left the ground for the space of one year without sowing, for the purpose of having a better crop, in that case the mortgagor will be obliged to pay the money for which the grounds have been mortgaged in the month of November in the same year, and in the month of November also must be redeemed the *palmirah, betel, and tobacco gardens.* Yet should the mortgagee conceive a dislike to the land or garden mortgaged to him on account of the same not yielding so much profit as the interest of the money for which the lands have been mortgaged, and should therefore wish to get rid of the same and to recover his money, he shall be obliged in that case to wait for his money one year after the lands or gardens have been delivered to the proprietor or the mortgagor; and if the mortgagor is and remains unable to redeem such land or garden, in that case the same must be offered for sale to his heirs, who then may purchase such lands or gardens in case the same are worth more than the amount for which they were mortgaged, but should they *not* be worth so much the mortgagee must then accept and keep the same for the sum advanced by him, provided he is confirmed in the full possession thereof by a title deed drawn up in proper form.

Mortgagee so in Possession to be liable to all Land Taxes or Duties.

2 The mortgagee is to pay all such taxes and land duties to which the mortgaged land is subject, so long as he remains in the possession of the same, even for that year in which the mortgaged land is redeemed; for the payment of which taxes and duties the mortgagee must take a receipt from some person belonging to the Kachchéri, except in the province of Vadamarádchi, where the custom differs, because there the proprietor receives a tenth part of the fruits produced by the ground mortgaged by him, and he therefore pays the land duties and takes a receipt for the same in his own name; and for the palmirah trees he receives the duties upon the trees from the mortgagee or possessor, which duties he, as mortgagor, then pays to the Majorals and takes a receipt for the payment thereof in his own name.

Of Redemption of a Mortgage where due Notice has not been given by the Mortgagor.

3 In case the mortgagor wishes to redeem his mortgaged ground, but out of ignorance informs the mortgagee too late of his intention, namely, after the ground has been dug or other labour has been bestowed on it, in that case the redeemer must give to the mortgagee his proper share from the fruits which the land has produced in that year for the labour and expenses which he has bestowed upon such lands; in such case the redeemer must observe the customs prevailing in the province and village.

Yet when the mortgagee receives the money advanced by him, but cannot agree with the proprietor with respect to the profits expected by him according to the custom of the country, the proprietor in that case must permit the mortgagee himself to sow that piece of land, provided that he gives to the proprietor of the land, according to the custom of the country, the *taraivâram*, that is, the ground duty.

Of Mortgages for certain Terms of Years.

4 At present it is the prevailing custom here that many persons mortgage their lands for a fixed term of three, five, eight, or ten years; yet, in case the mortgagor before the expiration of the stipulated time shall be compelled to sell a piece of mortgaged land either for the purpose of discharging his debts or for some other reasons, the mortgagee cannot prohibit such a sale, but must consent to it and receive or accept the sum of money advanced by him according to the custom of the country.

Of Mortgages of Fruit Trees.

5 If any person has mortgaged to another, in the manner above mentioned, any fruit-bearing trees, viz., cocoanut, mango, jak, or areca trees, and is able to redeem the same,

he must do so in the months of December or January ; and the mortgagee may pluck such ripe fruits as are eatable from the said trees before he delivers over the same to the proprietor.

Of Mortgages of Slaves.

6 If any male or female slaves have been mortgaged upon the before-mentioned condition, and if they have fallen sick after some time, it is the duty of the mortgagee to give information thereof to the proprietor, in order that he may cause his male or female slaves to be cured of such disease as they labour under ; but should the mortgagee cause such male or female slaves to be cured at his own expense, without giving notice thereof to the proprietor, all such expenses as were incurred by him for that purpose are to be defrayed by himself, and he cannot demand the same from the proprietor ; yet should such male or female slaves happen to die, the proprietor must then return to the mortgagee the sum for which such slaves had been mortgaged.

Of Loans of Money for the use of Beasts.

7 Should any person lend a sum of money to another upon condition that the debtor, instead of paying the interest, should furnish the lender with one or more beasts for the purpose of having his land ploughed, without mentioning, however, what buffaloes or bullocks are to be delivered by him during the period that he keeps the borrowed money under him, and should a beast or beasts so delivered to be used in ploughing the land happen to die during the said period, the debtor or the proprietor of such beast or beasts is obliged to furnish the lender of the money with one or more beasts instead of those which are dead, in order to be kept by the lender of such sums of money until his land has been ploughed, after which the borrower of the money may acquit himself from the said obligation by returning such sums of money as were borrowed by him.

Of Pawns and Jewels, &c.

8 Should any person take in pawn any jewels or wrought gold or silver for a certain sum of money in order to receive a monthly interest upon the same, and should the proprietor of the pawned goods be able to prove that the pawnee has either worn them himself or has lent out the same to be worn by others, the pawnee in such case will forfeit the interest of the sum of money lent by him ;* and such pawnee will be obliged in such case to return the pawn for such an amount as was lent by him to the pawner.

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* See Colebrooke's Hindu Law. Vol. I., p. 149.

SECTION VI.

OF HIRE.

Of the Hire of Beasts.

When any person has hired one or more beasts in order to plough his land, the proprietor of such beasts is not obliged to furnish the person who has hired the same with fresh beasts in case such as were hired become sick or happen to die during the time that they were used to plough the land. In case any person borrows from another any beasts for his use with the free consent of the proprietor, such proprietor, according to the custom of the country, may not demand from the borrower any indemnification for such of the beasts as are hurt or have broken their legs, but must consider the loss as accidental and consequently bear the same.

SECTION VII.

OF PURCHASE AND SALES.

1. Of sales of land.
2. Of sales of cattle.
3. Of the sale of children.

Of Sales of Land.

1 Formerly, when any person had sold a piece of land, garden, or slave, &c., to a stranger without having given previous notice thereof to his heirs or partners, and to such of his neighbours whose grounds are adjacent to his land, and who might have the same in mortgage, should they have been mortgaged, such heirs, partners, and neighbours were at liberty to claim or demand the preference of becoming the proprietors of such lands.* The previous notice which was to be given to persons of the above description was to be observed in the following manner, viz., to such as resided at the village, one month; to persons residing in the same province but out of the village, three months; to those residing in another province, six months; and to those who reside abroad, one year.

The above periods having expired without such persons having taken any steps upon the information given to them, the sale was considered valid; yet this mode of selling lands underwent an alteration afterwards in consequence of the good orders given on that subject during the time of the old Commandeur BLOOM (of blessed memory), as since those orders no sale of lands whatever has taken place until the intentions of such as wish to sell the same have been published on three successive Sundays at the church† to which they belong, during which period such persons as

* See Van Leuwen, p. 384. † See also Grotius, p. 352.

mean to have the preference to the lands for sale according to the ancient customs of the country are to come forward and to state the nature of their preference, in consequence whereof they then became the purchasers of the same.

It is customary under this nation that a piece of land which has been mortgaged to one person is sold to another, for which sale, according to the above-cited order, proper title deeds are granted, although the new purchaser is unable to discharge the amount of the purchase-money, and in consequence thereof pays immediately to the seller only that part of the purchase-money which exceeds the sum for which the land has been mortgaged, and afterwards leaves the same in possession of the former mortgagee for the amount for which it was mortgaged by the former proprietor, until the new purchaser has the means to pay the amount for which the said land has been mortgaged. This manner of dealing creates many disputes, as it occurs very often that such sums of money are not discharged before the expiration of eight, nine, or ten and more years, on which account I am of opinion (yet submitting mine to wiser judgment) that the passing of title deeds without the purchase amount being fully discharged should be prohibited, or at least that orders should be given that in cases of the above-described nature the mortgage deed made previously in the name of the seller should be repealed, and that a new one should be passed in the name of the purchaser instead of that which has been repealed.

Of Sales of Cattle.

2 If any person wishes to sell cattle, viz., bullocks, cows, buffaloes, sheep, &c., the sales thereof are to take place without any application or acts in writing, which sales are considered valid when the dry dung or excrement of such animals as were sold has been delivered by the seller to the purchaser; and in case the animals so sold happen to die or to get young ones before they are delivered up, the purchaser being able to prove by witnesses that the seller has sold them to him for a sum of money, and that the dry dung or excrement of those animals has been received in token of their having been sold, obtains the right of a proprietor of such animals as were purchased by him, as well as of their young ones, without any claim whatever being made to them by any other person whomsoever, or any compensation for loss in case of death.

Should any person sell any of his bullocks or buffaloes, &c., upon a statement that they are fit to be employed in ploughing lands, and should the contrary appear to be the case after the price has been agreed upon and paid for them, the purchaser may in such case, within the period of fifteen days, deliver back to the seller such of the above-described animals, and may demand from him the price paid for the same, who in that case is also obliged to restore it to the purchaser.

Should any person sell a cow or a she-buffalo to another, stating that the animal sold has once or several times had young ones, and should it appear afterwards that the animal sold upon the above statement, instead of having had young

ones once or several times, is a cow which never bears a calf, and consequently unfit for generation, the purchaser may in that case deliver back to the seller the cow or such other animals as were purchased by him, and he may demand from the seller the restoration of the purchase-money. But should any person, on the contrary, purchase a calf a year and a half or two years old, and should it appear afterwards that the calf so purchased grows up a cow which never bears a calf, or is unfit for generation, the purchaser is then obliged to keep the same, as no fraud whatever could have taken place in the sale thereof.

Of the Sale of Children.

3 Where parents of this country neither are or never were slaves, yet sell their children when they are in needy circumstances, notwithstanding they are free people, such parents have a right to redeem their children when they are in better circumstances for such prices as may be fixed upon by arbitrators; in which case the proprietor of slaves of the above description may not hinder or object to their being redeemed.

This is an ancient custom which, according to my opinion, is grounded on reason; and I am also of opinion that in case slaves of the above description can prove that they became slaves in the manner heretofore stated, they ought not in such case to be deprived of the above-mentioned privilege, as the sale of free-born natives has been positively prohibited in this country.

SECTION VIII.

OF MALE AND FEMALE SLAVES.*

1. Different classes of slaves.
2. Marriages of slaves.
3. Division of the property of slaves dying without issue.
4. Division of property where there are children.
5. Duties of married slaves.
6. Sale of slaves having lands, &c.
7. Mode of emancipating slaves.
8. Of succession to the property of an emancipated slave.

Different Classes of Slaves.

1 The slaves of this country are divided into four castes, viz., *Kóviyars*, *Chándárs*, *Pallars*, and *Nalavars*. It would be a matter of great difficulty to find out that the two former castes were slaves from their origin, as it is supposed that some of them were sold in ancient times by their parents or friends to others. This supposition is entertained especially with respect to the Kóviya caste, the greatest part of whom are slaves at present, and such as were not slaves caused themselves by some intrigue or other to be registered in

* Slavery abolished by Ordinance No. 20 of 1844.

ancient times in the church rolls and thombos under the denomination of other castes, so that none of that denomination are free at present.

The slaves of the second caste, viz., the Cháṇḍárs, are but few in number, and such of this caste as were in slavery were not registered in the thombo as Cháṇḍárs, but under the denomination of Kóviyars, so that the remaining part of them are free and perform Government services in the same manner as the Veḷḷáḷas; and these Cháṇḍárs perform their ordinary *Úḷiyam*, or Government services, during one day in every month, besides which they are obliged to provide the elephants of Government in the stables of the province with food, together with the Paḷḷars and Naḷavars, and also to assist in carrying the pallakkus and the baggage of the Company's Civil Servants of rank. The two other castes are slaves from their origin, and remain so till the present time unless any of their masters out of compassion happen to emancipate them, which very seldom takes place.

Marriages of Slaves.

2 When people of this description intend to enter into matrimony during the time that they continue in slavery they are obliged to inform their masters of their intentions and obtain their consent thereto, for which purpose they must state to their masters with whom they intend to marry; and when they have obtained the consent of their masters they get a certificate from them, to be produced to the schoolmaster of the church to which they belong; which certificate being produced, the marriage ceremony is performed.

The proprietors never give their consent to such marriages except when their male slaves wish to marry with their own female slaves; yet if circumstances do not permit it, they then allow their slaves to enter into matrimony with female slaves of other persons. But Government male slaves are prohibited from marrying with any other female slaves, and if they wish to marry they must do so with the female slaves of Government.

Division of the Property of Slaves dying without Issue.

3 In case any of these slaves happen to depart this life without issue, then the deceased's master (should the deceased's brothers and sisters be slaves of other persons) appropriates to himself such inheritances and dowries as were brought by the deceased into the marriage, and also half of the property acquired during the deceased's marriage; yet in case the deceased's brothers and sisters are also the slaves of the deceased's master, they are then permitted to possess such property, unless the proprietor of the slaves himself is in an indigent situation and has nothing to subsist upon.

Division of Property where there are Children.

4 If it happens that such slaves procreate children together, the child may not inherit from his father at his death when the father is a slave of another person; but should the mother happen to die, her master has the choice

either to appropriate to himself half of the property which the deceased had brought into the marriage, and also a quarter part of the whole property acquired during her marriage, or to deliver to the female slave's children all the goods left behind by their mother at her death, because the children of slaves of different masters appertain to the proprietor of the female slaves. Formerly the masters of such male slaves as married with female slaves of other proprietors had the right when his slaves had procreated five or six children to appropriate to himself one of the boys; yet he had no right to take any when they were girls; but this right is enjoyed at present by no person whatever except Government; that is to say, when the male slaves of Government were married with female slaves of the inhabitants before the publication of the aforesaid order.

Duties of Married Slaves.

5 The male and female slaves of the above description live separately from their masters, and are obliged to earn their own livelihood in such manner as they think proper, the Paḷḷars and Naḷavars male slaves giving yearly to their masters four fanams in cash as a token of their gratitude. And they are obliged to perform for their masters Government services when they require the same, on which occasion the masters are obliged to maintain the slaves so employed; but should the slaves fail therein, and the *chikku* money be demanded from their masters on behalf of Government, the slaves are then obliged to pay the *chikku* money for their masters, as such neglect is not to be attributed to the masters but to the slaves, because they have received maintenance for the time that they were to be employed, and have deceived their masters.

They must also be ready when required by their masters to repair the fences of their masters' lands, provided that they receive maintenance during the time they are at work for their masters. When the boys among the children of the slaves are able to be employed as herdsmen, the master then chooses such of them as he likes for that purpose, provided that he gives them food and raiment so long as he employs them.

When the female slaves of the above description happen to be delivered of a child, their masters are obliged to provide such female slaves with such articles as are required by women in childbed, to the amount of six fanams, viz., when their female slaves are Naḷavars and Paḷḷars. The master being unable to contribute the said six fanams, and the Naḷavars and Paḷḷars themselves having no means to defray the expense, are permitted to pawn either the child of which the female slave was delivered or another of her children, for the amount of six fanams, until such female slave is able to redeem the child so pawned. The proprietors of the Kóviyars slaves usually give them something more, but the slaves of the Kóviyars and Chándárs castes are not permitted to pawn their children in any manner whatsoever, as that custom prevails only among the slaves of the Nalavars and Pallars castes.

Sale of Slaves having Lands, &c.

6 When any person intends to sell a male or female slave who possesses a piece of land, garden, or other thing, and wishes not to be deprived of the right which he has to the property of his male or female slaves, he is obliged to take possession of the property of such slaves before he sells them, and to deal therewith as he may think it expedient. But should the seller, through negligence or otherwise, allow the slaves so sold to possess his goods unmolested, the seller cannot in that case have the least claim to such property.

It sometimes occurs that wealthy inhabitants who have many slaves make a present of one of their slave girls to a poor widow, in order that she may get a husband for her daughter by giving the slave girl to her daughter either as a gift or dowry; and as the person who makes a present to another of such a slave girl loses the right which he had to her, so the parents of such a slave girl, should she happen to continue residing at their house, may give to their daughter nothing whatever from their goods as a dowry at her marriage, whereas all the property of such parents when they are slaves appertains to their master, and their child having been made a present, as above stated, to another, becomes the slave of another person, and in consequence thereof has no share in her parents' goods unless her former master consents thereto.

Mode of Emancipating Slaves.

7 When a man, whether married or not, has no child or children, and intends to emancipate a male or female slave inherited by him, he is obliged to announce his intention to the schoolmaster of the church to which such female or male slave belongs, and to request that he will publish in the church his intention on three successive Sundays, in order that his community, but especially those wishing to oppose such intention, may get notice thereof in due time and be able to institute such claims as they think they have to such slaves; and should any person come forward during the time that such publication takes place, both they, as well as the person wishing to emancipate the slave, must submit to the decision of such arbitrators as they choose to appoint thereto; yet if a married man having no child or children wishes to emancipate a male or female slave appertaining to his wife's dowry, he must do so with his wife's consent, and such emancipation must further take place in the manner heretofore stated with respect to a single man, but husband and wife having children may emancipate one or more slaves according to their pleasure.

When a person has a child by his own female slave, he may emancipate such child without consent of his heirs, and may also make a donation (though of no great consequence) to such child out of his hereditary property.

Of Succession to the Property of an Emancipated Slave.

8 In case an emancipated male or female slave happens to die childless, leaving behind him brothers and sisters by his or her mother's side, and if among the deceased's brothers

or sisters only one should have been emancipated, the emancipated brother or sister of the deceased only inherits from the deceased; yet should *none* of the deceased's brothers or sisters by the mother's side have been emancipated, in that case the legitimate children of the deceased's father are the heirs, should there be any; but in the contrary case, the goods left behind by a deceased person of the above description devolve again upon the persons from whom such property was received by the deceased, and afterwards to their heirs.

It was an old custom during the time of the heathen, which still subsists among them on the coast of Coromandel, and also at some other places, that when the proprietor of a slave, on account of such slave's faithful services or from any other motives, emancipates one or more of his slaves, and such emancipated slaves after the lapse of some time behave themselves improperly to their former masters or to their children, in that case the emancipated slaves were reduced again into slavery.

When I was occupied in composing and writing these country laws and customs, a great many of the principal inhabitants and Mutaliyárs expressed their sorrow to me that the above-cited ancient customs, not having been observed for a long time, had lost their force in that country, as no emancipated slaves (so far as they could recollect) were reduced into slavery for their improper behaviour to their masters, either under the Portuguese or under the Dutch Government, the consequence whereof, they said, was that emancipated slaves have been very impertinent to their masters and benefactors, on which account the aforesaid principal inhabitants and Mutaliyárs urgently requested me that I should propose the said ancient customs being again made a positive law in order to restrain the impertinences of any emancipated slaves. In compliance with their request I propose that the said customs be made a positive law.

SECTION IX.

OF LOANS OF MONEY UPON INTEREST.

1. Of loans for fixed terms.
2. Securities, how far liable for debt.
3. Wife or children how far liable for husband's debts.
4. Interest not to exceed the principal.
5. Of loans of paddy.
6. Of exchanges of paddy, &c.
7. What proportion of profits is to be paid where any person sows the grounds of another without stipulating any fixed portion of the produce.

Of Loans for Fixed Terms.

1 When any person lends a sum of money upon interest to another upon condition that the borrowed sum should be restored within the time fixed by the lender, with such

interest as was usually paid to others at the time that the money was lent by him, should such conditions not be fulfilled by the debtor, the creditor in that case must cause the pawn to be sold, if he has had the prudence to take any lands or any other goods whatever in pawn ; and in case the debtor does not consent to the said pawns being sold, the lender of such sums of money must prefer his complaint to Government and request from the same that such mortgaged goods be sold for his benefit.

Securities how far liable for Debt.

2 Should there be securities and should the debtor or borrower abscond or be in reduced circumstances and unable to discharge the debt contracted by him, the creditor may then demand the payment of such debts from the securities, who in such case are obliged to discharge the debts for which they became securities, and such securities reserve the right of instituting an action against the debtor should the latter be improved in circumstances. If two persons jointly borrow a sum of money from another and bind themselves generally* for the amount borrowed, the lender in that case may demand the payment of the amount so lent from such a debtor as he may happen to see first, provided that the following expressions are inserted in the *ólai*, or bond, viz., *Muṉṉiṉráṉ muṉ irukka*, which signifies, "He who is present or before me must pay the debt ;" the consequence whereof then is that the debtor who comes first before the creditor, when he intends to demand the money, must pay the whole debt ; but such a debtor who pays the whole debt has a right to demand the payment of half the amount paid by him from his fellow-debtor wherever he may find him.

Wife or Children how far liable for Husband's Debts.

3 When a man has contracted debts in his lifetime without the knowledge either of his wife, child, or children, and happens to depart this life before he has discharged the same, his wife, child, or children are obliged to pay such debts, provided the same be duly proved.

When husband and wife jointly cause a piece of land or a garden to be registered as a pawn for a sum of money borrowed by them, and do not deliver over such land or garden to the creditor, but keep the same in their own possession, and in consequence thereof give them afterwards to any of their daughters as a dowry without specifying in the deed of gift that such a piece of land or garden has been mortgaged to another—if the debtors in the supposed case happen to depart this life without discharging a debt of the above nature, yet leaving behind some other goods—their creditors of the above description, who have neglected to prevent such mortgaged lands or garden from being given as a dowry, have a right to seize such other goods as might have been left behind by the debtors ; and the son or sons of

* See Colebrooke's Hindu Law, Vol. I., p. 110. What follows shows that this is not intended to apply to a "joint bond," but to "joint and *several* bonds.'

such debtors are responsible for such debts, provided that the creditors (if such son or sons are unable to discharge the debt) do wait until they are in better circumstances.

*Interest not to exceed the Principal.**

4 When a person lends money upon interest and suffers the interest to exceed the principal, the debtor is not obliged to pay the interest exceeding such principal.

Of Loans of Paddy.

5 When a person lends money on condition to receive paddy on account of interest, he loses the interest when the harvest fails; and in the event of a bad harvest the interest is to be calculated and paid according to the profits of that harvest.

When any person is in want of paddy either as seed corn or for any other purpose, and borrows paddy to pay interest in kind, the borrower must stipulate the quantity which he agrees to pay, because it is not known what quantity is customary to be paid on such occasions, on which account the creditors take from two to five parais upon a quantity of ten parais of paddy; and the mode to be observed in paying paddy on account of interest is that just stated in the event of a bad harvest or of no harvest having taken place. In case the debtor has had a good harvest every year during the time that he keeps the borrowed money, and the creditor has neglected to come and demand his interest upon the harvest, the debtor is not obliged in that case to pay anything on account of interest exceeding the principal, but it is sufficient if he pays double the principal sum borrowed by him.

Of Exchanges of Paddy, &c.

6 In case any person wishes to exchange grain, the paddy,† *chámi*, *kurakkan*, *kollu*,‡ *rice*, and *cadjan* must be exchanged for an equal quantity, because they bear the same price; but any person wishing to exchange paddy for varaku must give one and a half parai of varaku for one parai of paddy.

What Proportion of Profits is to be paid where any Person sows the Grounds of another without stipulating any fixed Portion of the Produce.

7 When any person sows the fields of another without a previous agreement what quantity the sower shall give from the harvest to the proprietor of the fields, it is deemed sufficient if the sower pays to the proprietor the *taraiváram*, which signifies the ground duty, and is calculated to be one-third part of the profits, except the tenth part, which is to be given to the proprietor previously. And when the sower has agreed to give a fixed quantity to the proprietor, and the crop happens to fail in the year for which the contract has

* Vanderlaiden, p. 219. † This must be a mistake.

‡ An old Tamil version has, "Peas and rice are exchanged for an equal quantity."

been made, the sower need not pay to the proprietor the quantity agreed upon; but in case the other inhabitants of the village (in which such a sower resides) have all had a good harvest, then the sower of the above description is obliged to pay such a quantity to the proprietor as was agreed upon by him, because in such an event the failure of the crop of the field sown by him is attributed to his laziness and negligence; yet should it happen that he has had a tolerably good harvest and the other inhabitants of his village a bad one, then the proprietor of the ground must be satisfied with the quantity produced by the field, and may not claim *anything* more from the sower.

The above laws and customs of Jaffnapatam were composed by me in consequence of my experience obtained by my long residence and intercourse at that place. I have written the above laws and customs after a strict inquiry into the same by order of His Excellency the Governor and Doctor of Laws, CORNELIS JOAN SIMONS, and I hope my endeavours will satisfy His Excellency the Governor's intention; in the expectation whereof I have the honour to be,

Honourable Sir,
Your Excellency's most obedient, humble Servant,

(Signed) CLAAS ISAAKSZ.

Jaffnapatam, 30th January, 1707.

To the Hon. the COMMANDEUR ADAM VAN DER DUYN.

SIR,—YOU are not ignorant that I have composed the Malabar Laws and Customs by order of His Excellency the Governor, which I have done so far as my knowledge of the same permitted me; yet to prevent any future disputes concerning the same, I request that you will have the goodness to cause them to be translated into Malabar by the translator Jan Pirus, who is known to have a thorough knowledge of that language. And I also request that you will cause the Malabar translation to be attentively perused by twelve sensible Malabar Mutaliyárs, in order that they may state their objections, in writing, to my composition, should they have any; in which case I request that you will appoint such persons as would be able to point out to you such mistakes as might have been committed either by me or by the said twelve Mutaliyárs; and should such persons as are appointed by you decide in my favour, I request that you will desire them to sign the Malabar translation. I insist upon this mode of giving their assent to my composition, because I know that the Malabars are deceitful and variable, and therefore when they have subscribed their names to the composition of their laws and customs they will have no opportunity whatever to retract their assent given to the same. In the expectation that you will not refuse me this favour in your capacity of Commandeur of this place, I remain,

Honourable Sir,
Your most obedient, humble Servant,

(Signed) CLAAS ISAAKSZ.

Jaffnapatam, 5th April, 1707.

SIR,—PURSUANT to the application made to me by the Dessave, Mr. Claas Isaaksz, I have caused the composition of the Malabar Laws and Customs in use at this place to be translated ; and I afterwards delivered the translations thereof to twelve sensible Mutaliyárs, whose names are hereunder specified, in order to peruse and revise the same. They have been employed in that work a great length of time, and have now returned the same to me with the following observations, viz. :—

"We, the undersigned twelve Mutaliyárs, have received from the Commandeur the Malabar Laws and Customs composed by the Dessave, Mr. Claas Isaaksz, in order to be perused and revised by us, and afterwards to state our opinion whether or not the same agrees with such laws and customs as are in use at this place.

"We were also desired to confirm the translation of the Malabar Laws and Customs with our signatures, should we agree to the correctness of the same.

"We declare by these presents that the composition of the said Malabar Laws and Customs perfectly agrees with the usual customs prevailing at this place, and we therefore fully confirm the same. But we deem it our duty to state hereby that, according to the ancient customs which prevailed under the Portuguese Government, and also at the commencement of the Dutch Government, in case slaves happened to behave themselves disrespectfully to their masters and disobey any of their orders, such masters had a right to give them correction, and by that means to make them mind their duties. But within the last eight or ten years it very often happens that as soon as masters punish their slaves for any faults, such slaves maliciously tear their own ears and anoint their body, in order that they may have a pretence to complain of their masters' ill-treatment, the consequence whereof is that such slaves obtain some lascoreens from the Magistrate in order to bring their masters before the same. Such occurrences cannot but injure the characters of the masters and at the same time render the slaves audacious.

"We must also observe that when any slaves are conveyed to the fort to be put in chains for their misbehaviour, the proprietors are obliged to pay great expenses, and are unable to defray the same when they are in indigent circumstances, on which account the slaves very often disobey and vex their indigent masters. We, the conjunct Mutaliyárs, therefore request that it may please His Excellency the Governor to order that the payment of twenty-four stivers, which is at present received on such occasions from the masters, may be diminished.

"We, Don Philip Villaivarása Mutaliyár, Don Anthony Náráyaṇaṇ, Don Francisco Aruḷampala Mutaliyár, Don Joan Chantirasékara Máná Mutaliyár, Don Martinho Maṇappuli Mutaliyár, Don Francisco Waṇṇiyarása Mutaliyár, Don Joan Chayampunáta Mutaliyár, Don Joan Chútukávala Cheṇátiraya Mutaliyár, Don Louwys Pútar, and Don Francisco Rásarattina Mutaliyár, are the persons who have perused and revised the translation of the Malabar Laws and Customs, in consequence whereof we *confirm* the same with our signatures."

In consequence of the above declaration I conceive that Your Excellency may rely upon the correctness of the Malabar Laws and Customs written by the Dessave, and I therefore hope that Your Excellency will either entirely approve of the same or make such alterations therein as you may deem necessary for the welfare of the inhabitants. In the meantime, I remain, with the highest respect,

Honourable Sir,
Your Excellency's most obedient, humble Servant,
(Signed) A. V. DER DUYN.

A true copy.
(Signed) J. HUYSMAN,
Secretary.

EXTRACT OF A LETTER DATED 4TH OF JUNE, 1707, WRITTEN FROM COLOMBO BY HIS EXCELLENCY THE GOVERNOR AND DOCTOR OF LAWS, CORNELIS JOAN SIMONS, IN COUNCIL, TO THE COMMANDEUR IN COUNCIL OF JAFFNAPATAM, ADAM VAN DER DUYN.

THE Malabar Laws and Customs composed by the Dessave Claas Isaaksz are approved of by Us, and in consequence thereof We desire that authenticated copies of the same should be sent to the Court of Justice and the Civil Landraad for their guidance. And We also desire that the said Laws and Customs should be entered in the records at the office of the Secretary to Government. And as We have read in the composition of the Malabar Laws and Customs an application to Us for the necessary orders relative to the purchase and sale of lands, gardens, and slaves, &c., so We desire by these presents that no titlé deeds whatever should be passed before the amount of purchase-money has been duly discharged, and that in case the property disposed of might have been mortgaged previously to any other person, We desire that the seller of such properties should redeem the pawn, and that the purchaser, if he wishes to leave such property with the pawnee for the amount of which it has been mortgaged by the former proprietor, should grant a new bond to the pawnee in his own name in order to avoid any future disputes.

As to the application made to Us to have the emancipated male and female slaves reduced again into slavery according to the heathen customs in case they behave themselves disrespectfully to their former masters, We think that a compliance with that application would be productive of very bad consequences; yet, in order to bridal any impertinences of emancipated slaves, We are of opinion that the punishment directed for slaves in the twentieth article of the Statutes of Batavia may be made use of to correct the impertinences of such emancipated slaves.

We cannot also comply with the application made to Us by the Mutaliyárs respecting the orders for diminishing the expense of half a rix-dollar which is usually incurred by such masters as are desirous to put their slaves in chains, because the masters would in that case have recourse too often to that punishment on account of the cheapness of iron.

A true copy.

(Signed) J. HUYSMAN,
Secretary.

Compared with the original at
Jaffnapatam, the 16th December, 1707.

(Signed) J. HUYSMAN,
Secretary.

APPENDIX III.

CAPITULATION OF COLOMBO

BY

THE PORTUGUESE TO THE DUTCH.

ARTICLES PROPOSED FOR THE CESSATION OF HOSTILITIES BY THE PORTUGUESE TO THE DUTCH.

(*Extracted from the "History of Ceylon," by the Rev. Philippus Baldæus, Minister of the Gospel in the Expedition.*)

ON the 11th May, 1656, about 8 o'clock in the morning, the Deputies of the Portuguese, named Laurenço Fereira de Britto, late Capiteyn Moor of Point de Galle; Hieronymo de Luçena Tavares, late Collector of the Revenue of Colombo; and Diego Leitaon de Souza, Private Secretary of this place, delivered the following Articles, which they requested may be granted and approved:

I.

We shall wait for provision and succour till the 20th of this month, and if they arrive by that time at the town of Bahia, and be strong enough to raise the siege of the town, all and every negotiation shall, in consequence, become of no effect; in the mean time there shall be a cessation of hostilities on either side, nor shall the least enmity be shown; provided, nevertheless, that no intercourse or communication shall be had but with persons passing and repassing, for which purpose hostages shall be given on both sides.

II.

In case of the surrender of the town, the churches and images shall be treated with all honour. The ecclesiastical persons and the clergy shall be permitted to take with them, freely and without hindrance, all images they may wish and desire, together with the relics, consecrated vessels, silver lamps and ornaments, and all things appertaining to religious worship and to the churches, including the movable property which each of them has in his possession.

III.

The persons of the Generals Anthonio de Souza Continho and Francisco de Melo de Castro, and of the son of Anthonio de Souza Continho, shall be treated with due honour and respect; and they may freely depart from this town with all their movable property, gold, silver, rings, precious stones, &c., and with all their servants and Portuguese pages, as also their free servants and male and female slaves; and they may reside in their houses until embarkation, but under the protection of the General of our State, who shall provide them (at their expense) with the necessaries of life during the time of their residence here. and with necessary articles for their voyage, and procure also suitable ships for the safe conveyance of them and their families. That the ships shall be furnished with able sailors, arms, and ammunition of war and everything requisite both for war as well as the sea; and this shall take place whenever the said Generals shall be in readiness to depart.

IV.

The Captain of the Town, the Captain Moor of the Camp, the Senior Merchant, Sergeant-Major, and the family of the Captain who died lately shall be treated in the same manner, and fully as well as the two Generals.

V.

The Captain of the Infantry and those on half pay, and all other officers superior as well as inferior, shall be allowed to march out with their badges of office, colours flying, drums beating, matches lighted, and guns shotted, and with all their property; and they shall be provided with vessels to convey them to India or to the opposite coast; and the Governor of the Netherlands shall maintain them at this place with the funds that shall remain here for the King of Portugal, and if there be no funds, the expenses shall devolve upon the Honourable Company until their departure. They shall also not be allowed to be molested either by water or by land.

VI.

In like manner, the *Ovidoor*, Judge, and other officers of the Chamber, the Senior Merchant, the Alcalde Moor, and the Superintendent of the King's effects shall enjoy the same liberty and privileges which have been required for the Captain of the Town and Field.

VII.

The Nobles, Chevaliers, and principal Burghers of the town, as also the married persons and other inhabitants, shall be allowed to enjoy the same privileges as shall be granted to the Town and its Captain; and in case any of them shall be desirous of remaining under the obedience of the Netherlands Government, they shall be allowed to have free and undisturbed possession of their houses, goods, villages,

and whatever else may belong to them, and shall be treated as natural-born Dutchmen. With respect to their religious worship, a church with priests shall be provided for them, who, together with the clergy, shall be allowed to exercise their religious services free and unmolested; and those who shall afterwards be desirous of proceeding to the opposite shore or coast of India shall be allowed to sell and alienate their movable and immovable property freely and unmolestedly, and vessels shall be provided for the free transport of themselves and their effects as stated before, excepting those who have ships of their own, and trade with them to various places, and who shall pay duty as they have hitherto done. Further, the inhabitants who remain at this place shall be at liberty to live and provide for themselves in the manner above recited.

VIII.

The merchants and strangers, Europeans as well as natives, who have arrived at this town with their vessels from various places, for the purpose of trading, shall be permitted to carry with them their movable goods, gold, silver, and merchandise which they have purchased, and especially the cinnamon of the King or of the town, as well that which has already been shipped as that which may yet be shipped on board; and they shall moreover be supported and a passage provided for them at their own expense; and in case they shall be in want of mariners, they shall be furnished with such.

IX.

In like manner, the coloured inhabitants of this place, both married and unmarried, and strangers of all classes, shall be allowed to enjoy the same privileges as have been asked for the Portuguese Burghers and married people.

X.

The Modliars, Aratchies, and Lascoreens, who have hitherto served the Portuguese, whether they have come to us from the service of the Netherlands Company or from that of his Majesty, shall be allowed to proceed (without any hindrance) to whatever place they please.

XI. AND XII.

Likewise, the crime committed by Simon Lopes de Basto, a Portuguese, who has served the Dutch for some time, shall be forgiven, and he shall be allowed to proceed in company with the Generals. The offences committed by Dutchmen who have taken up arms on our side shall not be imputed to them, but they shall be allowed freely to depart together with our soldiers.

XIII.

That all sick and wounded soldiers and married people shall be allowed to remain in the hospital until they be cured and restored to health, and that they be provided on their voyage (if it cannot be done at the expense of the King) at the expense of the Honourable Company.

XIV.

At the surrender of the town, and when the Dutch shall take possession thereof, the Honourable the Governor shall prevent any harm, violence, or disrespect being done or shown to the Generals and the principal persons. The soldiers and married persons with their wives and children shall in like manner be protected from molestation, and remain under the protection of the Governor, either within or without the town, in safety and security, so that they may not be attacked by the people of the King of Kandy.

(Signed) ANTHONIO DE SOUZA CONTINHO.

THE answer of the Governor and Chief Officers of the Dutch Army given in the name of his Imperial Majesty of Ceylon and the High and Mighty Lords, the States General of the Free United Netherlands, the Honourable the Directors of the East India Company, and the Honourable the Governor General Joan Matsuyker, and the Honourable Council of India, to the proposals and request of the Chief Commanders of the Fort of Colombo, made through the Deputies of their Council.

That the surrender shall be made before noon, and thereupon the privileges hereinafter mentioned shall be granted.

The clergy shall have all the privileges mentioned in the second Article, and until their departure two suitable places shall be provided for them.

As to the third Article, the Governor answers, that it is not possible, for certain reasons, to transport the Generals to Tutucoreen or Manaar at the present time, but that they shall be sent thither, or to Cochin, or Wingwella, on the first opportunity; but if they wish to go to the coast of Coromandel they shall be sent within fifteen days in the ships of the Company, and shall be allowed to carry with them their male and female slaves, as well as those of Mr. Christovan de Souza, and their servants; and it shall be left to their honour not to take away anything else. They shall also be at liberty to carry with them all their property, gold, silver, rings, and precious stones; and until their departure they may remain in their houses as required by the aforesaid Article.

The officers referred to in the fourth Article shall be treated and protected according to their dignity against all insult and molestation, and they shall be at liberty to take with them, from the port, all their gold and silver articles, money, linen, and wearing apparel, and as regards male and female slaves they shall be treated agreeably to their condition. By wearing apparel shall also be understood bedding, carpets, quilts, blankets, and curtains.

The Captains in command, and those on half-pay, of the Infantry shall march out with their arms, and shall also proceed to the coast of Coromandel, and shall be treated

according to their ranks. They may also take with them so much of the goods and as many slaves and free servants as the Governor in his discretion shall be pleased to permit.

The Infantry shall march out with all their goods, with colours flying, matches lighted, guns shotted, and drums beating, and proceed to the Governor's house and there lay down their arms at the foot of the standard. They shall then be sent under proper treatment to Europe. Those who are married and their descendants by natives of India shall also proceed to the coast of Coromandel, and as long as they remain here they shall be maintained by the Honourable Company.

The officers alluded to in the sixth Article shall receive the same favours and liberties as are granted to other persons of distinction, and the Captain of the Town and the Senior Merchant shall be included among them.

All those who remain subject to the Dutch arms shall be treated with all kindness and courtesy, and they shall remain in the peaceable possession of their goods; but in the event of their departure at any time from this country their property shall be at the disposal and discretion of the Governor.

The respectable Burghers and married Portuguese, and their children, who do not wish to remain in this Island, shall at their departure be treated in the same manner as the other officers; but the married people and those born in the island shall be treated at the discretion of the Governor. The European and native merchants and other foreign traders, who from time to time have settled at this place for the purpose of trading, shall proceed to the coast of Coromandel with the like assistance and liberty as are granted to other officers.

The Modliars, Aratchies, and Lascoreens, with their adherents, shall be treated with the same kindness as our own people.

All sick and wounded persons, soldiers, and married people who are in hospital or elsewhere undergoing medical treatment shall be allowed to remain there until they have recovered, and shall have all things demanded on their behalf.

All officers, married persons, privates, and unmarried ladies shall remain under the protection of the Governor without the least harm being done to them by any person.

It is further decided by the Governor that the ships and vessels which may arrive up to the thirtieth of this month for the succour of this Fort of Colombo shall be informed of the surrender of this town, and be requested to depart; and they shall be protected until they are out of sight of Colombo.

Thus done on Thursday, the 11th May, 1656.

ADRIAN VANDER MEYDE.
JAN VANDER LAAN.
PIETER DE BITTER.
EDWARD OOMS.
YSBRANDT GODSKENS.

ADRIAN VANDER MEYDE, Governor, on behalf of the Honourable the East India Company in the island of Ceylon, and the other Members of our Honourable Council :

Whereas the Deputies have, within the time above appointed, arrived with the resolution of the General Anthonio de Souza Continho and his Honourable Council, bringing the Capitulation duly approved of by them : We do therefore hereby promise fully and completely to fulfil the above Articles, and to afford such further assistance and protection as may lie in our power. The tokens whereof, We the above-named, as well as the said Deputies, have signed hereunder.

Given at the Dutch Camp at Colombo on the 12th May, 1656.

ADRIAN VANDER MEYDE.
J. VANDER LAAN.
PIETER DE BITTER.
EDWARD OOMS.
YSBR. GODSKENS.
JOHANNES HARTMANN.

ANTHONIO DE SOUZA CONTINHO.
FRANCISCO DE MELO DE CASTRO.
ANTHONIO DE SILVA.
GASPER DE RONEA PEREIRA.
LAURENCO FEREIRA DE BRITTO.
HIERONYMO DE LUCENA TAVARES.
DIEGO LEITAON DE SOUZA.

APPENDIX IV.

CAPITULATION OF COLOMBO

BY

THE DUTCH TO THE ENGLISH.

Preliminary Article—JOHN GERARD VAN ANGELBEEK, Counsellor of India, Governor and Director of the Dutch Possessions in the Island of Ceylon, offers to deliver up to Colonel STEUART and Captain GARDNER, Commanding the English Troops, the Fortress of Colombo upon the following conditions at the expiration of three days.

Answer—Major PATRICK ALEXANDER AGNEW, Adjutant-General of the British Troops in the Island of Ceylon, by virtue of the powers delegated to him by Colonel JAMES STEUART, Commanding the British Army, and ALLAN HYDE GARDNER, Esquire, Captain of His Majesty's Ship *Heroine*, and Senior Officer of the Naval Force before Colombo, consents to admit of the Surrender of the Fort of Colombo, on the under-mentioned terms, provided the Capitulation is signed this evening, and the Fort delivered to the British Troops to-morrow morning at ten o'clock in the manner stipulated in the following articles.

Article 1st—In this Capitulation shall be included the Town of Galle and the Fort of Caliture, with all their Dependencies, Lands, Domains, Sovereign rights of the Hon'ble Dutch East India Company, and the Governor shall issue orders to the Commandeur and Council of Galle, and the Commandant of Caliture, for the actual surrender, according to the contents of this Capitulation.

Answer—Granted.

Article 2nd—The Fort, with all its Dependencies, Artillery, Ammunition, Stores, Provisions, and all other effects belonging to the Company, with the Plans and Papers relative to the Fortifications, shall *bonâ fide* be delivered up, without concealing or keeping back anything.

Answer—Granted. The Surveys of the Districts of the Island of Ceylon, and its Coasts, with all other Public Plans, to be included.

Article 3rd—And as the Books at Colombo as well as Galle are two years in arrear, the delivery shall take place according to the balances now actually existing, and a reasonable time be allotted to the Commercial Servants here and at Galle, with their Assistants, to finish the Books, and they shall during that time

Answer—One year, or eighteen months if absolutely necessary, shall be allowed for the purpose of arranging the Books, during which time a reasonable salary shall be paid to the Servants of the Dutch Company necessarily employed in this Department. The accounts of the Artizans shall be examined and liquidated.

receive the pay and emoluments fixed for their services. As the Head Smith, Cooper, House Carpenters, the Overseer of the Arsenal, and the Brick-maker receive every thing by indent, their accounts shall be examined and liquidated by our Accountant, also paid by the English; on the other hand, the above-mentioned Artificers and Overseers are responsible for the articles issued to them.

Article 4th—All *Public Papers* shall also be faithfully delivered over, but attested copies of all the Public and Secret Consultations held during his short Government, and which he has not had an opportunity of forwarding to Holland or Batavia, shall be given to Governor VAN ANGELBEEK to enable him to answer for his conduct in the management of affairs.

Answer—Granted.

Article 5th—The Returns and Merchandise of the Company which are partly laden on board the Ships *Berlican* and *Eensgezindheid* now lying in the roads, and partly stored in private houses, as well as those at Galle, shall also be faithfully delivered by the Commissaries, who shall be appointed by the Governor, to Major AGNEW, who is authorized by the Government of Madras to receive them.

Answer—All Merchandise, Stores, and public property of every description, either laden on board the Ships now anchored under the guns of the Fort, deposited in public stores, or distributed in the houses of individuals, as well as all public property placed in a similar manner at Galle, Caliture, or any other part of the Island of Ceylon depending on these Governments, shall be delivered by the Commissaries, who shall be named by the Governor VAN ANGELBEEK, to Major AGNEW, the Agent appointed by the Government of Madras to receive them, in three weeks from this date.

Article 6th—But as the Company has of late years borrowed money upon interest of their Servants and Inhabitants, and when in want of ready money have issued Krediet Brieven (*Promissory Notes*) to the amount of about five Lacks of Rix-dollars, of which however at least an half is in the Treasury, with a promise to realize the same, and as several servants have their Pay and Emoluments in the hands of the Company, for which they have no other security than the Effects of the Company, the above-mentioned Debts of the Company shall be paid out of them, and the Krediet Brievens *discharged*, which can occasion the less consideration as the Returns alone, taking the fine Cinnamon at only three Rupees a pound, the Pepper at 100 Rupees per Candy, the Cardamoms at one Rupee a pound, and the piece Goods and other Merchandise at the Invoice price, will amount to about twenty-five Lacks of Rupees, and all the Debts, Pay, and Notes in circulation not above six Lacks. The Copper Doodies shall continue current for One Stuiver.

Answer—As Mr. VAN ANGELBEEK has assured the Officers commanding His Majesty's Naval and Land Forces before Colombo, that a refusal to comply with the demand contained in the 6th Article will be attended with the total ruin of the Colony, they consent to the following arrangements regarding the paper currency of this Island, provided the public property of the Dutch Company is found to be conformable to the statement contained in this Article.

The English Government of Ceylon will take up the Promissory Notes of the Dutch Government which are still in circulation, provided they do not exceed the sum of Fifty thousand Pounds Sterling, and issue Certificates for the Amount bearing an Interest of three per cent. per annum payable half-yearly, which Certificates shall be in force so long as the Districts of Ceylon extending from Matura to Chilaw shall be in possession of the English and no longer. Should these Districts be restored to the Dutch the responsibility of payment will necessarily revert to them, in which event the

original Notes of the Dutch Government shall be restored to the proprietors in exchange for the Certificates granted by the British Government.

The Officers Commanding the British Forces are not authorized to provide for the payment of the arrears due to the Servants of the Company—this must be left to the future determination of His Britannic Majesty.

The Copper coin of the Island must find its own value in the course of exchange.

Article 7th—All private property, without exception, shall be secured to the proprietors.

Answer—Granted, with the exception of Military and Naval Stores, which in every instance must be deemed public property.

Article 8th—In which is expressly included the Funds of the Orphan House or the College for the administration of the effects of infant Children, and of the Committee for managing the Poor funds, as also the two Ships now in the roads, *Berlican* and *Eensgezindheid*, which belong to individuals in Holland, and are chartered by the Company, as shall be proved.

Answer—Granted, with the exception of the Ships, which must be deemed public property.

Article 9th—The Garrison shall march out with the honours of War, pile their Arms by command of their own Officers on the Esplanade, and again return to their Barracks—the Officers to keep their side Arms ; the Clevangs and Creeses of the Non-Commissioned Officers and Private Malays to be locked up in chests, and after their departure, on being set on shore, to be returned to them.

Answer—Granted

Article 10th—The European Officers, Non-Commissioned Officers, and Privates of the Battalion of Dutch Troops, and the Detachment of the Wurtemburg Regiment doing duty with it, as well as the Artillery and Seamen, shall be transported in English Ships from hence to Europe or Batavia, according to their choice, with permission to carry along with them their women, children, necessary servants, and baggage—none of the Officers however shall be removed from hence against their will, as many of them are married and have their property here, and in case of any of them wishing to depart, time shall be allowed them to arrange their affairs to go where they please upon their Parole of Honour, not to serve in this War against England until they shall be exchanged.

Answer—The European Officers, Non-Commissioned Officers, and Privates, as well of the Dutch Battalion as of the Regiment of Wurtemburg, the Artillery, Engineers, and Marine, must be considered as Prisoners of War, and as such they will be treated with that attention which the British Government has ever shown to those whom the fortune of War has placed in its power. The whole shall be sent to Madras.

Such of the Officers as desire to return to Ceylon, for the reasons mentioned in this Article, will have permission to do so on giving their Parole of Honour not to serve during the present War against the English. Those who may desire to return to Europe shall be permitted to do so on the same conditions, but without any claim on the British Government for Pay or allowances of any description.

Article 11th—As there are some Native born French in Garrison they shall be transported to the French Islands if they choose it.

Answer—The French of the Garrison will be considered as Prisoners of War, and sent to Madras.

Article 12th—The Malays that do not choose to remain here shall be transported in English Ships, with their women and children, to the Island of Java.

Answer—The Malay Troops shall be sent from hence with their wives and children to Tutucorin, and from thence by easy marches to Madras. They shall be subsisted while they remain Prisoners, and if not taken into the British Service shall at a convenient time be sent to the Island of Java, at the expense of the British Government.

Article 13th—These transportations shall take place at the expense of the English, and until that time the Military Europeans as well as Malays shall continue to enjoy their Pay and emoluments as was customary in the Company's Service. —None of the Military shall be forced, or even persuaded, to enter into the service of His Majesty or the Hon'ble English Company.

Answer—The Military Officers, European and Native, shall receive the Pay allowed to them in the Dutch Service. The Non-Commissioned and Privates will be subsisted according to the Regulations of the British Government for Prisoners of War. None shall be forced to enter the service of Great Britain against their consent.

Article 14th—The Sepoys and Moormen in the service shall have liberty to return to their birthplace.

Answer—Granted.

Article 15th—The Cingalese Lascars, being soldiers on account of their castes, and the Burghers and Civil Servants by the laws of the Colony being obliged to take up arms for its defence, it shall not tend to prejudice those people.

Answer—Granted.

Article 16th—Governor VAN ANGELBEEK, the Commandeur of Galle FRETZ, and all the other Political or Commercial Servants, not required in their official capacities for the purpose mentioned in Art. 3rd, shall have permission to remain as private individuals at Colombo, Galle, or other place on the Island, or to betake themselves elsewhere. In the first case a reasonable means of subsistence shall be allowed to each according to his rank ; in the last, they shall be permitted to carry their effects along with them without payment of any tax or duty whatever, but then all allowances to cease.

Answer—Granted, with this exception, that as the Commanders of the British Forces before Colombo are not authorized to grant the subsistence required, this subject must be referred to the decision of the Government of Fort St. George.

Article 17th The respective vendue Masters here and at Galle shall be maintained during the collection of the outstanding balances, in right of the preference granted those people by the Company.

Answer—Granted, for all balance outstanding.

Article 18th—The Clergy and other Ecclesiastical Servants shall continue in their functions among the public of the reformed faith in the enjoyment of the same Pay and emoluments as they had from the Company.

Answer—Granted, under the same exception annexed to the 16th Article.

Article 19th—The Citizens and other Inhabitants shall be allowed to follow their occupations, and enjoy all the liberties and privileges of the subjects of His Majesty.

Answer—Granted.

Article 20th—The Native Servants, those of the Gate and other departments, as well as of the Mahabadda, shall be continued in their employs during their good behaviour.

Answer—Granted, subject to such Regulations as the British Government may hereafter judge necessary.

Article 21st—The Eastern Princes, Tommogoms, and other men of rank here as state Prisoners, and who receive a Monthly subsistence, shall continue to receive it according to the list which shall be delivered.

Answer—Granted, while they remain in Ceylon.

Article 22nd—All Notarial papers, such as Wills, Bills of Purchase and Sale, Obligations, Security Bonds, &c., shall continue in force, and the Registers of them be preserved by Commissaries appointed on both sides for that purpose.

Answer—Granted.

Article 23rd—All Civil suits depending in the Council of Justice shall be decided by the same Council according to our Laws.

Answer—Granted, but they must be decided in twelve months from this date.

Article 24th—The Deserters who are here shall be pardoned.

Answer—All Deserters from the English Service must be unconditionally given up.

Article 25th—The above articles of Capitulation shall be faithfully fulfilled and confirmed by the signature of the Officers Commanding His Majesty's Sea and Land Forces, Colonel JAMES STEUART and Captain ALLAN HYDE GARDNER ; and in case of anything appearing obscure, it shall be faithfully cleared up, and if any doubt should arise it shall be construed for the benefit of the besieged.

Answer—Granted.

Article 26th (by Major AGNEW)—The Garrison shall march out agreeable to the 9th Article at ten o'clock to-morrow morning, when the Gate of Delft shall be delivered to a Detachment of the British Troops. The Governor VAN ANGELBEEK will order an Officer to point out the Powder Magazine, Posts, and public Stores, that Guards may be placed for their security and the preservation of order in the Garrison.

Done in Colombo this 15th day of February, 1796.

J. G. VAN ANGELBEEK.
P. A. AGNEW,
Adjutant-General.

Approved and confirmed,
J. STEUART.
A. H. GARDNER.

APPENDIX V.

SCHEDULE OF PROCLAMATIONS

PROMULGATED DURING

THE YEARS 1885 TO 1894.

1885.

Jan. 7 Empowering the Police Court at Pussęlláwa to be a Police Court at which longer remands than seven days may be made under "The Criminal Procedure Code, 1883."

28 Altering the rates of fees and charges payable by suitors for the execution and service of process issued at their instance in the District Courts.

Feb. 11 Establishing a police force in the town of Trincomalee under Ordinance No. 16 of 1865, and defining the limits of the said town.

19 Establishing a police force in the town of Kęgalla under the Ordinance No. 16 of 1865, and defining the limits of the said town.

19 Empowering the Police Courts at Jaffna and Mallákam to be Police Courts at which longer remands than seven days may be made under "The Criminal Procedure Code, 1883."

19 Empowering the Police Court at Haldummulla to be a Police Court at which longer remands than seven days may be made under "The Criminal Procedure Code, 1883."

27 Empowering the Police Courts at Vavuniya and Mullaittívu to be Police Courts at which longer remands than seven days may be made under "The Criminal Procedure Code, 1883."

28 Empowering the Police Court at Badulla to be a Police Court at which longer remands than seven days may be made under "The Criminal Procedure Code, 1883."

28 Cancelling Proclamation of December 19 last, altering and re-defining the Municipal limits of the town of Galle.

Mar. 5 Appointing a criminal session of the Supreme Court to be holden at Chilaw in March, 1885.

9 Altering for 1885 one of the dates fixed by Proclamation of March 1, 1878, for holding the criminal session of the Supreme Court for the District of Colombo.

9 Altering for 1885 one of the dates fixed by Proclamation of March 1, 1878, for holding the second criminal session of the Supreme Court for the Midland Circuit.

9 Altering for 1885 one of the dates fixed by Proclamation of March 1, 1878, for holding the criminal session of the Supreme Court for the Southern Circuit.

13 Empowering the Police Courts at Chávakachchéri and Point Pedro to be Police Courts at which longer remands than seven days may be made under "The Criminal Procedure Code, 1883."

14 Altering the limits of the town of Náwalapitiya for the purposes of the Police Ordinance, No. 16 of 1865.

25 Altering and amending the limits of the division of Ratnapura in the District of Colombo, and the limits of Haputalé in the Midland Circuit, for the purposes of "The Administration of Justice Ordinance, 1868."

27 Empowering the Additional Police Court of Colombo to be a Police Court at which longer remands than seven days may be made under "The Criminal Procedure Code, 1883."

27 Bringing the Ratnapura-Haputalé road under the operation of the Ordinance No. 5 of 1885.

28 Determining the number of clerks to be licensed under the Notaries' Ordinance, No. 2 of 1877.

April 1 Declaring the road from Kękiráwa to Kaláwęwa a principal thoroughfare for the purposes of "The Road Ordinance, 1861."

2 Notifying confirmation by Her Majesty of certain Ordinances.

2 Bringing "The Opium and Bhang Ordinance, 1878," into operation within the limits of the town of Kęgalla.

15 Notifying confirmation by Her Majesty of certain Ordinances.

15 Notifying confirmation by Her Majesty of Ordinance No. 25 of 1884.

15 Appointing a criminal session of the Supreme Court to be holden at Kurunęgala on May 15.

21 Appointing a criminal session of the Supreme Court to be holden at Badulla on May 18.

April 22 Re-defining the limits of the general cemetery at Mádampiṭiya.

22 Notifying confirmation by Her Majesty of Ordinance No. 31 of 1884.

27 Notifying confirmation by Her Majesty of Ordinance No. 43 of 1884.

May 1 Dividing the Midland Circuit into twelve divisions for the purposes of "The Administration of Justice Ordinance, 1868."

1 Empowering the Police Court at Anurádhapura to be a Police Court at which longer remands than seven days may be made.

6 Empowering the Police Court at Hambantoṭa to be a Police Court at which longer remands than seven days may be made.

6 Additional dues to be levied at the Port of Colombo under the 8th section of "The Colombo Harbour Ordinance, 1875."

13 Notifying confirmation by Her Majesty of Ordinances Nos. 32 and 33 of 1884, and Nos. 2 and 5 of 1885.

20 Empowering the Police Court at Batticaloa to be a Police Court at which longer remands than seven days may be made.

25 Notifying confirmation by Her Majesty of Ordinance No. 11 of 1885.

29 Altering and amending the rule relating to the collection of huwandiram in the Mátara District.

June 3 Empowering the Police Courts at Ratnapura and Rakwána to be Police Courts at which longer remands than seven days may be made.

9 Setting apart a portion of the general cemetery at Mádampiṭiya for the special use of the Muhammadans residing at Mutwal.

9 Empowering the Police Court at Mátalé to be a Police Court at which longer remands than seven days may be made under "The Criminal Procedure Code, 1883."

9 Empowering the Police Court at Nuwara Eliya to be a Police Court at which longer remands than seven days may be made under "The Criminal Procedure Code, 1883."

9 Empowering the Police Courts at Avisáwélla and Pasyála to be Police Courts at which longer remands than seven days may be made under "The Criminal Procedure Code, 1883."

12 Notifying confirmation by Her Majesty of Ordinances Nos. 34 and 39 of 1884.

18 Notifying confirmation by Her Majesty of Ordinance No. 28 of 1884.

June 20 Proclaiming the assumption by the Hon. Major-General Sir J. C. McLeod, K.C.B., of the administration of the Government of the Island.

20 Notifying confirmation by Her Majesty of Ordinances Nos. 40 of 1884 and 9 of 1885.

24 Proclaiming that payment of toll at Piyaddagama shall clear the toll at Gintoṭa, and the payment of toll at Gintoṭa shall clear the toll at Piyaddagama.

24 Establishing a general cemetery for the burial of the dead within the limits of Anurádhapura under "The Cemeteries Ordinance, 1862."

July 8 Empowering the Police Court at Gampola to be a Police Court at which longer remands than seven days may be made under "The Criminal Procedure Code, 1883."

9 Notifying confirmation by Her Majesty of Ordinances Nos. 6 and 10 of 1885.

14 Empowering the Police Court at Kayts to be a Police Court at which longer remands than seven days may be made under "The Criminal Procedure Code, 1883."

18 Notifying confirmation by Her Majesty of Ordinances Nos. 1 and 7 of 1885.

22 Bringing the Ordinance No. 9 of 1885 into operation from October 1, 1885.

Aug. 6 Fixing the percentage of tax payable for the maintenance of the Police in the town of Mátalé.

6 Establishing a general cemetery for the burial of the dead within the limits of Anurádhapura.

6 Cancelling Proclamation of June 24 last, establishing a general cemetery at Anurádhapura.

7 Bringing Part II. of "The Grain Tax Ordinance, 1878," into operation in the District of Trincomalee from and after August 7, 1885.

11 Appointing a criminal session of the Supreme Court to be holden at Trincomalee and Batticaloa in September, 1885.

12 Empowering the Police Courts at Paṇwila and Urugala to be Police Courts at which longer remands than seven days may be made under "The Criminal Procedure Code, 1883."

12 Empowering the Police Court at Hatton to be a Police Court at which longer remands than seven days may be made under "The Criminal Procedure Code, 1883."

14 Cancelling the Proclamation of August 7, 1885, and bringing Part II. of "The Grain Tax Ordinance, 1878," into operation in the Trincomalee District from and after January 1, 1886.

26 Proclaiming the road from Arasádi to Malkampiḍḍi, in the Nintavúr and Sammánturai divisions of the District of Batticaloa, a principal thoroughfare for the purposes of "The Road Ordinance, 1861."

Sept. 9 Empowering the Police Court at Galagedara to be a Police Court at which longer remands than seven days may be made under "The Criminal Procedure Code, 1883."

11 Bringing within the operation of the Ordinances No. 26 of 1871, No. 12 of 1880, No. 8 of 1882, and No. 34 of 1884, the several divisions, sub-divisions, or parts thereof of the Nawadun, Aṭakalan, Kolonná, Kaḍawatu, Meda, and Kukulu kóralés.

14 Appointing that a criminal session of the Supreme Court shall be holden at Mátara and Taṇgalla in October and November.

14 Empowering the Police Court at Kalutara to be a Police Court at which longer remands than seven days may be made under "The Criminal Procedure Code, 1883."

25 Establishing a public prison at Ambalantoṭa, in Hambantoṭa District, for the reception of prisoners.

25 Amending the divisions of the Colombo District and the Midland and Northern Circuits for the purposes of "The Administration of Justice Ordinance, 1868."

Nov. 2 Empowering the Police Court at Kurunégala to be a Police Court at which longer remands than seven days may be made under "The Criminal Procedure Code, 1883."

2 Repealing so much of the Proclamation of April 9, 1881, as attached a condition to the use of the fishing nets called "karavalai" on the east coast of the Eastern Province.

5 Empowering the Police Court at Mátara to be a Police Court at which longer remands than seven days may be made under "The Criminal Procedure Code, 1883."

12 Altering the places of collection of the road tolls authorized to be levied on the road from Point Pedro to Koḍikámam.

Dec. 21 Altering two of the dates for holding the criminal session of the Supreme Court for the District of Colombo and for the Northern Circuit.

1886.

Jan. 7 Bringing the town of Ratnapura, the line of road from Colombo to Badulla as far as the 101st milepost, and the line of road from Pelmadulla to Rakwána as far as the 94th milepost, under the operation of "The Carriage Ordinance, 1873."

16 Approval of rules under "The Paddy Cultivation Ordinance, 1867," for the enforcement of the ancient customs regarding the irrigation and cultivation of paddy lands in the division of Udapaláta in the District of Kandy, Central Province.

23 Appointing a sessions of the Supreme Court in its criminal jurisdiction to be holden at Badulla on February 9, 1886.

27 Empowering the Police Court at Pánaduré to be a Police Court at which longer remands than seven days may be made under "The Criminal Procedure Code, 1883."

Feb. 1 Dividing the Central Province of the Island for revenue and administrative purposes into two distinct Provinces, the one to be called as heretofore "the Central Province" and the other "the Province of Uva," and specifying the districts of the Central Province and the Province of Uva respectively.

3 Approval of rules made under "The Paddy Cultivation Ordinance, 1867," for the enforcement of the ancient customs regarding the irrigation and cultivation of paddy lands in Pallispattu East and Páta Dumbura, in the Central Province.

4 Appointing a session of the Supreme Court in its criminal jurisdiction to be holden at Kurunégala on February 22, 1886.

4 Appointing a session of the Supreme Court in its criminal jurisdiction to be holden at Trincomalee on March 6 and at Batticaloa on March 9, 1886.

Mar. 8 Establishing a police force in the town of Nuwara Eliya, in the Central Province, and specifying and defining the limits of the said town for the purposes of "The Police Ordinance, 1865."

8 Revoking Proclamation of December 21, 1877, and altering the limits of the town of Nuwara Eliya for the purposes of "The Local Board of Health and Improvement Ordinance, 1876."

11 Confirmation by Her Majesty of Ordinances Nos. 12, 13, 17, 18, and 30 of 1885.

20 Bringing the Port of Trincomalee within the operation of "The Masters Attendant Ordinance, 1865," and declaring that the limit of the said port shall be and continue to be the limits defined under the Proclamation of June 7, 1880.

Mar. 26 Establishing a police force in the town of Kalutara, and defining and specifying the limits of the said town for the purposes of "The Police Ordinance, 1865."

April 1 Confirmation by Her Majesty of Ordinance No. 23 of 1885.

10 Additional port rules for the Port of Colombo in respect to licensed boats or canoes.

13 Confirmation by Her Majesty of Ordinance No. 20 of 1885.

24 Notifying that "The Widows' and Orphans' Pension Fund Ordinance, 1885," shall come into operation from April 1, 1886.

24 Confirmation by Her Majesty of Ordinances Nos. 14, 21, and 26 of 1885.

May 5 Empowering the Police Court of Kégalla to be a Police Court at which longer remands than seven days may be made under "The Criminal Procedure Code, 1883."

5 Bringing from June 1, 1886, the divisions of Wellassa, Bintenna, and Buttala, in the Province of Uva, within the operation of "The Village Communities' Ordinance, 1871."

6 Bringing "The Carriage Ordinance, 1873," into operation from May 6, 1886, within the Local Board limits of Nuwara Eliya as they may from time to time be defined, and along the following high roads :—Nuwara Eliya to Gampola, Nuwara Eliya to Náwalapitiya through Dimbula, Nuwara Eliya to Badulla, Nuwara Eliya to Uda Pussellawa as far as St. Margarets, Craigie Lea to Hatton, Lindula to Agra road, Tillicoultry to Eildon Hall, Caledonia Gap to Railway Gorge, Kandy to Maturata and Kurundu-oya.

11 Confirmation by Her Majesty of Ordinance No. 16 of 1885.

12 Confirmation by Her Majesty of Ordinance No. 15 of 1885.

14 Directing that a sessions of the Supreme Court in its criminal jurisdiction shall be held at Mátara on May 28 and at Tangalla on June 4, 1886.

17 Confirmation by Her Majesty of Ordinances Nos. 3 and 6 of 1886

17 Bringing from June 1, 1886, "The Opium and Bhang Ordinance, 1878," into operation in the District of Colombo, Western Province.

18 Notifying that "The Ceylon Railway Ordinance, 1885," shall come into operation from and after January 8, 1886.

27 Confirmation by Her Majesty of Ordinance No. 22 of 1885.

29 Bringing the chief headman's division of Hápitigam kóralé in the District of Negombo, in the Western Province, within the operation of "The Village Communities' Ordinance, 1871."

June 9 Confirmation by Her Majesty of Ordinance No. 4 of 1886.

16 Empowering the Police Court of Kandy to be a Police Court at which longer remands than seven days may be made under "The Criminal Procedure Code, 1883."

16 Empowering the Police Court of Mannár to be a Police Court at which longer remands than seven days may be made under "The Criminal Procedure Code, 1883."

21 Promulgating a new port rule for the Port of Colombo, fixing the boat hire for boats allowed to convey passengers.

26 Empowering the Police Court at Chilaw to be a Police Court at which longer remands than seven days may be made under "The Criminal Procedure Code, 1883."

July 2 Constituting the portion of forest specified in the schedule a village forest for the benefit of the group of village communities in the neighbourhood of the town of Puttalam and the neighbouring villages.

6 Confirmation by Her Majesty of Ordinance No. 5 of 1886.

17 Directing that a sessions of the Supreme Court in its criminal jurisdiction shall be holden at Ratnapura on August 18, 1886.

26 Confirmation by Her Majesty of Ordinance No. 24 of 1885.

26 Confirmation by Her Majesty of Ordinance No. 1 of 1886.

31 Amending the Proclamation of October 11, 1877, and re-defining the limits of the town of Negombo for the purposes of "The Local Board of Health and Improvement Ordinance, 1876."

Aug. 3 Revoking the Proclamations dated February 21 and December 31, 1884, and appointing that 4½ per centum on the *bonâ fide* annual value of all houses, &c., within the limits of the town of Kalutara shall be the percentage which the said amount of tax payable under the 34th section of the Police Ordinance shall equal for the purposes of the said Ordinance.

3 Establishing a general cemetery for the burial of the dead within the limits of the town of Ratnapura, in the Western Province, and ordering that from and after September 1, 1886, all burials in the "Fort Cemetery" burial ground, situated in the aforesaid town of Ratnapura, shall be wholly discontinued.

3 Exempting wholly the new general cemetery at Ratnapura from the operation of the 11th section of "The Cemeteries Ordinance, 1862."

Aug. 4 Amending the Proclamation of December 30, 1879, and re-defining the limits of the town of Kurunégala for the purposes of "The Local Board of Health and Improvement Ordinance, 1876."

12 Appointing that a criminal sessions of the Supreme Court shall be holden at Kurunégala on August 25, 1886.

19 Approval of rules under section 19 of "The Paddy Cultivation Ordinance, 1867," for the enforcement of the ancient customs regarding irrigation and cultivation of tanks and manavari lands in the Pallavarayakaddu pattu of the Punakári division of the Jaffna District of the Northern Province. The rules published in 1869 for the Punakári division of the Jaffna District of the Northern Province repealed so far as they affect and concern the Pallavarayakaddu division.

30 Appointing a criminal sessions of the Supreme Court to be holden at Trincomalee on September 14 and at Batticaloa on September 16, 1886.

Sept. 4 Confirmation by Her Majesty of Ordinance No. 7 of 1886.

4 Approval of rules under "The Paddy Cultivation Ordinance, 1867," for the enforcement of the ancient customs regarding the irrigation and cultivation of paddy lands situated at Valikámam West and the Islands divisions in the Northern Province.

8 Repealing part of the Proclamation of December 29, 1868, and the entire Proclamation of February 15, 1869, and the rules therewith published, for enforcing the ancient customs regarding the irrigation and cultivation of paddy lands as far as they relate to Sankani in Valikámam West, Punakári, Veláni, and Valikámam East, in the Northern Province, and further notifying that the said Proclamation of December 29, 1868, and the rules published therewith, shall remain in force so far as they relate to Nuwarakaláwiya District.

16 Notifying that the Ordinance No. 3 of 1886, intituled "An Ordinance relating to vessels carrying passengers from any port or place in Ceylon to any other port or place in Ceylon," shall come into operation from and after November 1, 1886.

20 Establishing a police force in the town of Pánaduré, in the Western Province, from and after January 1, 1887, defining the limits of the said town of Pánaduré, and appointing that a tax of 5¼ per centum shall be assessed and payable on the *bonâ fide* annual value of all houses and buildings of every description, and on all lands and tenements within the said town of Pánaduré, for the purposes of "The Police Ordinance, 1865."

Sept. 21 Fixing the sum of Re. 1 as the rate of commutation to be annually paid by each of the inhabitants of certain villages situate in Kolonná kóralé and in Bintęnna of the Aṭakalan kóralé of the Ratnapura District, Western Province, in respect of the labour due by him for the year 1887, and thereafter until altered.

27 Directing that a sessions of the Supreme Court in its criminal-jurisdiction shall be holden at Mátara on October 20, 1886.

28 Establishing from and after November 1, 1886, village tribunals in each of the chief headmen's divisions of Giruwá pattu West, Giruwá pattu East, and Mágam pattu, forming together the revenue district of Hambantoṭa, in the Southern Province.

28 Limiting the jurisdiction of each of the village tribunals established in the chief headmen's divisions of Giruwá pattu West, Giruwá pattu East, and Mágam pattu, forming together the revenue district of Hambantoṭa, in the Southern Province, to breaches of rules made under the authority of Ordinance No. 26 of 1871, or of Ordinance No. 12 of 1880, or of Ordinance No. 8 of 1882, or of Ordinance No. 34 of 1884.

28 Bringing the chief headmen's divisions of Giruwá pattu West, Giruwá pattu East, and Mágam pattu, forming together the revenue district of Hambantoṭa, in the Southern Province, within the operation of "The Village Communities' Ordinance, 1871."

Nov. 11 Directing that a sessions of the Supreme Court in its criminal jurisdiction shall be holden at Ratnapura on December 1, 1886.

19 Establishing a general cemetery for the burial of the dead within the limits of the town of Badulla, in the Province of Uva, and directing that from and after November 30, 1886, all burials in the burial ground called the graveyard of the Roman Catholic Church (Saint Mary's) and the hospital burial ground at Pillapota, situate at Badulla, in the Province of Uva, shall be wholly discontinued.

22 Appointing that the Ordinance No. 7 of 1886, intituled "An Ordinance relating to the Supply of Water to the Colombo Municipality," shall come into operation from and after January 1, 1887.

30 Appointing that from and after January 1, 1887, "The Opium and Bhang Ordinance, 1878," shall come into operation in the town of Anurádhapura in the North-Central Province.

30 Approval of rules drawn up under the provisions of "The Paddy Cultivation Ordinance, 1867," for the enforcement of the ancient customs regarding the irrigation and cultivation of the paddy lands situated at Valikámam East and Punakári pattu of the Punakári division in the Northern Province.

Nov. 30 Approval of rules drawn up under the provisions of "The Paddy Cultivation Ordinance, 1867," relating to tanks and cultivation of paddy lands in the district of Anavulandan and Munesaram pattu North of the Deduru-oya in the North-Western Province.

Dec. 13 Altering the place for the collection of the tolls on the road from Badulla to Batticaloa at the bridge over the Badulu-oya from and after January 1, 1887.

14 Rates of postage and fees for registration chargeable from and after January 1, 1887, on postal packets to be transmitted to any part of India by land post through Kankésanturai and Point Calimere, or by the British India Steam Navigation Company's steamers, prepayment being compulsory.

14 Establishing a police force in the rural district of Watawala in the Central Province, defining the limits of the said district for the purposes of "The Police Ordinance, 1865," and specifying the clause of the said Ordinance which shall come into operation from January 1, 1887, in the said district.

22 Establishing a general cemetery for the burial of the dead at Wélápura within the limits of Kalutara, in the Western Province, as specified and defined; and ordering that from and after January 1, 1887, all burials in the burial grounds called the Presbyterian burial ground (adjoining the resthouse), the land surrounding St. John's Church, and Santa Cruz general cemetery, situated at Kalutara, shall be wholly discontinued.

23 Directing that a criminal sessions of the Supreme Court shall be holden at Badulla on January 21, 1887, and at Kurunégala on January 31, 1887.

31 Amending port rule No. 27 of the port rules of the Port of Colombo promulgated by Proclamation of June 12, 1884, by substituting the words "Rs. 12·50, of which Rs. 7·50 shall go to the pilot and Rs. 5 to the boat's crew," for the words "Rs. 10, half of which shall go to the pilot and half to the boat's crew."

31 Abolishing the several districts mentioned in the Proclamation dated January 1, 1883, and creating new districts in lieu thereof, for the purposes of "The Medical Wants Ordinance, 1880."

31 Altering the place for collecting the toll on the road from Kandy to Nuwara Eliya from and after January 1, 1887.

31 Appointing the place at which the additional toll established at Labugalla on the Nuwara Eliya side of the Labukelé estate, between 40th and 41st mileposts on the Kandy-Nuwara Eliya road, shall be collected from and after January 1, 1887.

Dec. 31 Altering the registration districts Nos. 1, 4, and 5, as defined by the Proclamation of April 21, 1883, and their boundaries, for the purposes of "The Marriages, Births, and Deaths Registration Ordinance, 1847."

1887.

Jan. 19 Confirmation by Her Majesty of Ordinances Nos. 11 and 12 of 1886.

20 Confirmation by Her Majesty of Ordinances Nos. 9 and 10 of 1886.

24 Appointing sessions of the Supreme Court in its criminal jurisdiction to be holden at Trincomalee on Monday, February 14, and at Batticaloa on Wednesday, February 16, 1887.

24 Fixing the rates of postage and fees for registration chargeable from and after January 1, 1887, on postal packets to be transmitted beyond Ceylon to certain Postal Union countries, to countries not comprised in the Postal Union, and to International Postal Union countries.

27 Appointing the rates of tolls to be levied at the tolls on the roads and ferries enumerated in the Ordinance No. 10 of 1884.

Feb. 1 Approval of a rule drawn up for the enforcement of the ancient customs relating to the cultivation of paddy in the Wanni hatpattu, in the District of Kurunęgala in the North-Western Province, under the provisions of "The Paddy Cultivation Ordinance, 1867."

11 Determining the places at which the toll established by Ordinance No. 10 of 1884 on and in respect of the road from Colombo to Galle, between the 29th and 30th mileposts, shall be collected.

21 Confirmation by Her Majesty of Ordinance No. 13 of 1886.

23 Amending the divisions of the District of Kurunęgala, in the North-Western Province, for the purposes of "The Road Ordinance, 1861."

26 Appointing that Part II. of "The Grain Tax Ordinance, 1878," shall from and after January 1, 1888, come into operation in the district of Yaṭinuwara, in the Central Province.

26 Appointing that the Petroleum Ordinance, No. 6 of 1887, shall come into operation in Ceylon from and after July 1, 1887.

Mar. 3 Appointing that Part II. of "The Grain Tax Ordinance, 1878," shall from and after January 1, 1888, come into operation in the district of Udukinda, in the Province of Uva.

Mar. 7 Appointing that Part II. of "The Grain Tax Ordinance, 1878," shall from and after January 1, 1888, come into operation in the district of Uḍa Dumbara, in the Central Province.

11 Bringing the town of Ratnapura, in the Western Province, under the operation of "The Local Board of Health and Improvement Ordinance, 1876," and defining the limits of the said town for the purposes of the said Ordinance.

14 Confirmation by Her Majesty of Ordinances Nos. 14 and 15 of 1886.

17 Establishing under the provisions of "The Police Ordinance, 1865," a police force in the town of Kurunęgala, and specifying and defining the limits of the said town for the purposes of the said Ordinance.

22 Appointing the roadstead and town of Silávatturai, in the Northern Province, to be a port for the lading and unlading of goods from and after March 24, 1887, and allowing from and after the said date ships and boats under 15 tons burthen to import or export any goods from or to parts beyond seas at the said port under and subject to the laws and regulations regarding the importation and exportation of goods at other ports in the Island, during the continuance of the Pearl Fishery.

24 Notifying that from and after March 24, 1887, until the close of the Pearl Fishery, the District Court and Court of Requests of the District of Mannár shall respectively be holden at Silávatturai, in the said district, instead of at Mannár.

24 Appointing the harbour dues to be levied at the Port of Colombo from and after April 1, 1887, on tea when exported.

28 Confirmation by Her Majesty of Ordinances Nos. 17, 18, and 19 of 1886.

30 Appointing that Part II. of "The Grain Tax Ordinance, 1878," shall from and after January 1, 1888, come into operation in the district of Páta Dumbara, in the Central Province.

31 Appointing that a criminal sessions of the Supreme Court shall be holden at Ratnapura on Tuesday, May 17, 1887.

April 7 Appointing that a criminal sessions of the Supreme Court shall be holden at Kalutara on Wednesday, June 1, 1887.

7 Appointing that a criminal sessions of the Supreme Court shall be holden at Mátara on Tuesday, May 17, and at Taṇgalla on Monday, May 23, 1887.

16 Extending the provisions of the Small Tenements Ordinance, No. 11 of 1882, to the Hatton and Fruit-hill bazaars, and defining the limits thereof.

April 20 Extending the provisions of the Small Tenements Ordinance, No. 11 of 1882, to the village of Pusselláwa, and defining the limits thereof.

25 Cancelling and repealing the Proclamation of September 8, 1869, establishing a rural police in the district of Rakwána, and the Proclamation of March 1, 1872, establishing a police force in the town of Rakwána, for the effectual protection of person and property.

25 Establishing a police force in the rural district of Rakwána, and enumerating the estates to be comprised within the limits of such rural district, and notifying that the whole of the Police Ordinance, No. 16 of 1865, so far as the same is applicable to rural police, with the exception of clauses 84, 95, and 97 thereof, shall be introduced into the said rural district of Rakwána.

25 Establishing from April 1, 1887, a police force for the effectual protection of person and property in the town of Rakwána, defining the limits, and appointing 8¼ per cent. on the annual value of all houses, &c., within the said limits to be the percentage of tax payable for the maintenance of the force.

25 Empowering the Police Court at Trincomalee to be a Police Court at which longer remands than seven days may be made under "The Criminal Procedure Code, 1883."

29 Confirmation by Her Majesty of Ordinances Nos. 22 and 21 of 1886 and Nos. 3 and 6 of 1887.

30 Altering and amending the official rated valuation on which duty is now assessed on cotton piece goods and yarns under the Proclamation of November 10, 1877, and January 9, 1881, respectively.

May 9 Appointing that Part II. of "The Grain Tax Ordinance, 1878," shall from and after January 1, 1888, come into operation in the district of Háris-pattu, in the Central Province.

14 Extending the provisions of the Small Tenements Ordinance, No. 11 of 1882, to the Pundalu-oya bazaar, and defining the limits thereof.

26 Confirmation by Her Majesty of Ordinance No. 23 of 1886.

30 Constituting a village forest for the benefit of the village communities of Andiyágama and Pahala-kónkadawala, and specifying the limits of such village forest for the purposes of "The Forest Ordinance, 1885."

30 Constituting a village forest for the benefit of the village communities of Talampola, Rada Talampola, Vadda Dalupota, Makullapokuna, and Kirindigama, in the Central Province, and specifying the limits of such village forest for the purposes of "The Forest Ordinance, 1885."

May 31 Extending the provisions of the Small Tenements Ordinance, No. 11 of 1882, to Pánaduré Toṭamuna and Kalutara Toṭamuna, and defining the limits thereof.

June 1 Confirmation by Her Majesty of Ordinance No. 20 of 1886.

1 Appointing the 1st day of July, 1887, as the day on which the Vaccination Ordinance, No. 20 of 1886, shall come into operation.

3 Extending the provisions of the Small Tenements Ordinance, No. 11 of 1882, to the local board town of Negombo, and defining the limits thereof.

6 Confirmation by Her Majesty of Ordinance No. 4 of 1887.

7 Amending, for the purposes of "The Medical Wants Ordinance, 1880," the grouping together of the estates in the districts of Avisáwélla, Gampola, and Mátalé, appearing in the Proclamation of December 31, 1886.

9 Appointing that Part II. of "The Grain Tax Ordinance, 1878," shall from and after January 1, 1888, come into operation in the district of Uḍapaláta, in the Central Province.

9 Appointing that Part II. of "The Grain Tax Ordinance, 1878," shall from and after January 1, 1888, come into operation in the district of Tumpané, in the Central Province.

15 Approval of rules, in addition to the rules set forth in the Proclamation of November 8, 1864, drawn up under the provisions of "The Paddy Cultivation Ordinance, 1867," for the enforcement of ancient customs for the Paḷḷé, Meḍa, and Uḍa pattus of Navadun kóralé, and Kuruwiṭi and Aṭakalaṇ kóralés, Sabaragamuwa District, Western Province.

21 Confirmation by Her Majesty of Ordinance No. 25 of 1886.

27 Confirmation by Her Majesty of Ordinance No. 2 of 1887.

July 1 Appointing the 1st day of January, 1888, as the day on which the Ordinance No. 2 of 1887, relating to irrigation works, shall come into operation.

7 Confirmation by Her Majesty of Ordinance No. 7 of 1887.

7 Appointing the 1st day of August, 1887, as the day from and after which the Municipal Councils' Ordinance, No. 7 of 1887, shall come into operation.

18 Extending the provisions of the Small Tenements Ordinance, No. 11 of 1882, to portions of Glenugie and Kintyre estates in the district of Maskeliya, in the Central Province, and defining the limits of the said portions of the said estates.

July 25 Appointing that a criminal sessions of the Supreme Court shall be holden at Kurunégala on Tuesday, August 16, 1887.

28 Altering and amending the district of Uḍa Dumbara, in the Central Province, for the purposes of "The Kandyan Marriage Ordinance, 1870," and cancelling the Proclamation of December 29, 1860.

28 Altering and amending the registration districts and divisions of Uḍa Dumbara, in the Central Province, for the purposes of the Marriages, Births, and Deaths Ordinances, Nos. 6 of 1847, 13 of 1863, and 18 of 1867, and cancelling the Proclamation of January 31, 1867.

28 Regulations made under the Colombo Waterworks Ordinance, No. 7 of 1886, for preventing waste, misuse, undue consumption, or contamination of the water supplied by Government for public use.

Aug. 23 Appointing the rates to be levied in respect of the several tolls established on certain roads and ferries in the Western Province by schedules B and D of "The Toll Ordinance, 1867," and by Ordinances Nos. 10 of 1879, 12 of 1880, 10 of 1881, 14 of 1882, and 41 of 1884.

23 Appointing the rates to be levied in respect of the several tolls established on certain roads in the Central Province by Ordinances Nos. 10 of 1881, 14 of 1882, and 41 of 1884.

23 Appointing the rates to be levied in respect of the several tolls on the road from Kandy to Nuwara Eliya, established by schedule B annexed to "The Toll Ordinance, 1867," and by a resolution of the Legislative Council, dated November 10, 1886.

23 Appointing the rates to be levied in respect of the ferry toll at Ondachchimadam on the south coast road from Batticaloa to Kalmunai, established by Ordinance No. 14 of 1876.

23 Appointing the rates to be levied in respect of the several tolls established on certain roads in the Western Province by Ordinances Nos. 2 of 1869, 18 of 1869, 11 of 1874, and 10 of 1879.

23 Appointing the rates to be levied in respect of the several additional tolls established on certain roads and ferries in the Western Province by resolutions of the Legislative Council of this Island, dated December 30, 1885, and November 18, 1886.

23 Appointing the rates to be levied in respect of the ferry toll at Bandirippuwa, in the District of Chilaw, in the North-Western Province, established by resolution of the Legislative Council of this Island, dated November 10, 1886.

Aug. 23 Appointing the rates to be levied in respect of the several tolls established on certain roads in the Southern Province by Ordinances Nos. 24 of 1871 and 10 of 1879.

25 Directing that a criminal sessions of the Supreme Court shall be holden at Ratnapura on Monday, October 3, 1887.

25 Directing that a criminal sessions of the Supreme Court shall be holden at Badulla on Thursday, October 13, 1887.

25 Directing that a special criminal sessions of the Supreme Court shall be holden at Colombo on Monday, September 26, 1887.

29 Confirmation by Her Majesty of Ordinance No. 24 of 1886.

Sept. 2 Extending the provisions of the Small Tenements Ordinance, No. 11 of 1882, to Watawala bazaar, and defining the limits thereof.

5 Extending the provisions of the Small Tenements Ordinance, No. 11 of 1882, to the Dikoya and Darawella bazaars, and defining the limits thereof.

8 Abolishing from and after October 1, 1887, the Police Court and Court of Requests for the division of Kalpiṭiya.

12 Approval of rules drawn up under "The Paddy Cultivation Ordinance, 1867," for the enforcement of ancient customs for the Kolonnágam and Diyapotagam pattus of Kolonná kóralé, in the Ratnapura District, Western Province.

12 Approval of rules drawn up under "The Paddy Cultivation Ordinance, 1867," for the enforcement of ancient customs in the Kaḍawatu and Meḍa kóralés, in the Ratnapura District, Western Province.

20 Authorizing, for the purposes of the Ordinance No. 5 of 1885, the levy from and after October 8, 1887, of a fee of fifty cents at Weralugahamula at Mádampe, between the 81st and 82nd mileposts on the road from Peḷmaḍulla to Rakwána, in respect of each cart carrying goods, produce, or merchandise.

20 Exempting certain portions of the public streets in the town of Ratnapura from vesting in the Local Board of that town under the provisions of "The Local Board of Health and Improvement Ordinance, 1876."

26 Altering the date fixed by Proclamation of March 1, 1878, for the commencement of the second criminal sessions of the Supreme Court at Galle, in the Southern Province, from October 10, 1887, to October 28 of the said year.

Sept. 26 Directing that a criminal sessions of the Supreme Court for the Southern Circuit shall be holden at Mátara on Thursday, November 10, 1887.

29 Appointing that Part II. of "The Grain Tax Ordinance, 1878," shall from and after January 1, 1888, come into operation in the district of Uḍunuwara in the Central Province.

Oct. 8 Bringing from and after October 8, 1887, the chief headman's division of Yaṭikinda, in the Province of Uva, within the operation of "The Village Communities' Ordinance, 1881," and subdividing the said chief headman's division of Yaṭikinda into groups of villages for the purposes of the said Ordinance.

8 Extending the provisions of the Small Tenements Ordinance, No. 11 of 1882, to the following bazaars in the Central Province : Dimbula bazaar, Agrapatana or Holbrook bazaar, Pádiyapeḷeḷla bazaar, Ramboḍa bazaar, Rágalla bazaar, Koṭagala bazaar, Craigie Lea bazaar, St. Clair bazaar, Lindula bazaar, Tillicoultry bazaar, Diyagama bazaar, and Nánu-oya bazaar.

14 Establishing a prison for the whole Island at Tissamaharáma, in the District of Hambantoṭa in the Southern Province, for all the purposes of the Prisons Ordinance, No. 16 of 1877.

14 Altering and amending the divisions of Puttalam, in the Northern Circuit, for the purposes of the Administration of Justice Ordinance, No. 11 of 1868, and defining the limits of the amended division of Puttalam.

21 Declaring that sections 53, 54, 55, 59, 61, 62, 80, 81, 82, 90, 94, and 95, of the Police Ordinance, No. 16 of 1865, shall from and after November 1, 1887, come into operation in the town of Chilaw, in the North-Western Province.

21 Bringing the chief headman's division of Uḍapaláta, in the Central Province, within the operation of "The Village Communities' Ordinance, 1871," and subdividing, for the purposes of the said Ordinance, the said chief headman's division into groups of villages, excluding the town of Gampola and Pusseḷláwa within the respective police limits and all the estates and plantations exceeding ten acres in extent.

21 Bringing the chief headman's division of Uḍa Bulatgama, in the Central Province, within the operation of "The Village Communities' Ordinance, 1871," and subdividing, for the purposes of the said Ordinance, the said chief headman's division into groups of villages, excluding all the estates and plantations exceeding ten acres in extent, the town of Náwalapiṭiya, and certain bazaars.

Oct. 24 Directing that the criminal sessions of the Supreme Court appointed by the Proclamation of March 1, 1878, to be holden at Kandy, in the Midland Circuit, on the 1st day of December, shall for the year 1887 commence to be holden at Kandy on Saturday, December 10, of the said year.

24 Directing that a criminal sessions of the Supreme Court shall be holden at Kalutara on Thursday, November 24, 1887.

27 Appointing that Part II. of "The Grain Tax Ordinance, 1878," shall from and after January 1, 1888, come into operation in the District of Mátalé South, in the Central Province, and defining the limits of the said district.

27 Appointing that Part II. of "The Grain Tax Ordinance, 1878," shall from and after January 1, 1888, come into operation in the district of Uḍa Héwáheṭa of the Nuwara Eliya District, in the Central Province, and defining the limits of the said district.

28 Constituting a portion of forest, the limits of which are defined, a village forest for the benefit of the village communities of Hamangalla and Kandumuna, in the District of Kurunégala, North-Western Province.

31 Extending the provisions of the Small Tenements Ordinance, No. 11 of 1882, to the Norwood bazaar, and defining the limits thereof.

31 Extending the provisions of the Small Tenements Ordinance, No. 11 of 1882, to the Glencairn bazaar, and defining the limits thereof.

Nov. 1 Appointing that Part II. of "The Grain Tax Ordinance, 1878," shall come into operation from and after January 1, 1888, in the district of Wellassa, in the Province of Uva.

5 Extending the provisions of the Small Tenements Ordinance, No. 11 of 1882, to the Mayfair bazaar, and defining the limits thereof.

5 Extending the provisions of the Small Tenements Ordinance, No. 11 of 1882, to the Dunbar bazaar, and defining the limits thereof.

8 Extending the provisions of the Small Tenements Ordinance, No. 11 of 1882, to the Glentilt bazaar, and defining the limits thereof.

8 Extending the provisions of the Small Tenements Ordinance, No. 11 of 1882, to the Tientsin bazaar, and defining the limits thereof.

10 Bringing the divisions of Dehiwala, Weḷlawatta, Kalubówila, Kirillapana, and Talaṇgama within the operation of "The Land Registration Ordinance, 1877."

15 Extending the provisions of the Small Tenements Ordinance, No. 11 of 1882, to the Laurance bazaar, and defining the limits thereof.

Nov. 15 Declaring a certain tract of land in Walapané a reserved forest for the purposes of "The Forest Ordinance, 1885," and specifying the limits of the said forest with certain reservations in favour of the villagers of Walapané.

18 Appointing that from January 1, 1888, Puttalam and Chilaw shall form two distinct districts of the North-Western Province for the purposes of revenue and administration, defining the boundaries, and specifying the divisions of the two Districts of Puttalam and Chilaw.

18 Declaring that from and after November 10, 1887, harbour dues shall be levied on timber exported from Colombo at the rate of 12 cents per ton.

18 Revoking the Proclamation of February 20, 1880, exempting lime from payment of toll in the several Provinces of the Island, save as to the Central Province and the Province of Uva.

25 Extending the provisions contained in sub-section 4 of section 94 of "The Road Ordinance, 1861," to certain roads in the Southern Province.

28 Proclaiming Chilaw a "town" for the purposes of "The Small Tenements Ordinance, 1882," and defining the limits of the said town for the purposes of the said Ordinance.

30 Extending the provisions of "The Small Tenements Ordinance, 1882," to the Kirkoswald bazaar, and defining the limits thereof.

Dec. 1 Altering the existing District of Puttalam, as defined by the Proclamation of July 9, 1849, into two distinct districts, to be called "the District of Puttalam" and "the District of Chilaw," for the purposes of "The Road Ordinance, 1861," and defining the boundaries of the said districts.

15 Specifying the rates of toll to be levied under the provisions of the Ordinances Nos. 4 of 1867 and 12 of 1887 on the road from Ambagamuwa to Dikoya and on the road from Yaṭiyantoṭa to Dikoya.

16 Altering from and after January 1, 1888, the divisions of Nuwarakaláwiya and Tamankaḍuwa, in the North-Central Province, for the purposes of "The Road Ordinance, 1861," and repealing the Proclamation of December 24, 1874.

17 Appointing that Part II. of "The Grain Tax Ordinance, 1878," shall from and after January 1, 1888, come into operation in the division of Bintẹnna, in the Province of Uva, and defining the limits thereof.

28 Proclaiming Mádampe a "town" for the purposes of "The Small Tenements Ordinance, 1882," and defining the limits of the said town for the purposes of the said Ordinance.

Dec. 28 Appointing 12½ cents to be the rate at which toll shall be levied on vehicles not enumerated in the preceding portion of the schedule of section 4 of Ordinance No. 4 of 1867 at the several toll stations along the roads specified.

29 Directing that a criminal sessions of the Supreme Court shall be holden at Kurunégala on Monday, January 16, 1888.

30 Altering and amending the Proclamation of September 25, 1885, so far as respects the division of the District of Colombo into districts, for the purposes of the administration of justice, and proclaiming that from and after January 1, 1888, the District of Colombo shall, for the purposes of the administration of justice, be divided into six districts, viz., Colombo, Negombo, Kalutara, Ratnapura, Chilaw, and Puttalam, and further defining the limits of the Districts of Chilaw and Puttalam.

1888.

Jan. 5 Permitting the family of the late P. H. van Cuylenberg and the family of F. P. Scharenguivel the right of interment in their respective family vaults in the Presbyterian burial ground adjoining the resthouse at Kalutara, for a period of five years from date of Proclamation, and directing that at the expiration of that period the right of interment in the said two vaults shall cease and determine.

17 Confirmation by Her Majesty of Ordinances Nos. 9, 10, 12, 13, 15, and 16 of 1887.

23 Directing that the criminal sessions of the Supreme Court appointed by the Proclamation of March 1, 1878, to be holden at Jaffna, in the Northern Circuit, on February 10, shall for the year 1888 commence to be holden at Jaffna on or about Saturday, March 3, and appointing that a criminal sessions of the said court shall be holden at Trincomalee on Thursday, March 8, and at Batticaloa on Saturday, March 10, 1888.

31 Appointing the roadstead and town of Silávatturai, in the Northern Province of the Island, to be a port for the lading and unlading of goods from and after February 10, and allowing ships and boats under fifteen tons burthen to import or export goods from or to parts beyond the seas at the said port, under the provisions of the Customs Ordinance, No. 17 of 1869, during the continuance of the Pearl Fishery.

Jan. 31 Notifying that the District Court, Court of Requests, and Police Court of the District of Mannár shall from February 15, 1888, until the close of the coming Pearl Fishery, be holden at Silávatturai, in the said district, instead of at Mannár.

31 Extending the provisions of Ordinance No. 11 of 1882 (Small Tenements) to the Bridewell bazaar, and defining the limits thereof.

Feb. 6 Confirmation by Her Majesty of Ordinances Nos. 8, 11, and 14 of 1887.

8 Cancelling and annulling so much of the Proclamation of December 6, 1878, establishing a police force in the rural districts of Dimbula and Lindula, in the Central Province, as relates to the limits of the said rural districts, and defining the limits of the said rural districts for the purposes of "The Police Ordinance, 1865."

8 Cancelling and annulling so much of the Proclamation of September 8, 1880, establishing a police force in the rural district of Uḍa Pussellǎwa, in the Central Province, as relates to the limits of the said rural district of Uḍa Pussellǎwa, and re-defining the limits of the said rural district of Uḍa Pussellǎwa for the purposes of "The Police Ordinance, 1865."

8 Appointing that Part II. of "The Grain Tax Ordinance, 1878," shall from and after March 1, 1888, come into operation in the Matalé North division of the Central Province.

9 Directing that the criminal sessions of the Supreme Court appointed to be holden at Kandy, in the Midland Circuit, by Proclamation of March 1, 1878, on March 10, shall for the year 1888 commence to be holden at Kandy on or about March 16, 1888.

13 Confirmation by Her Majesty of Ordinances Nos. 17, 19, and 20 of 1887.

14 Notifying under the provisions of section 6 of "The Forest Ordinance, 1885," (1) that it is proposed to constitute 139 allotments of land, situated in the villages Andǎwela, Linipiṭiya, and Kumbulduwa, in the Pallésiyapattu of Mátalé East division of the District of Mátalé, Central Province, a reserved forest; and (2) that Mr. S. M. Burrows, Acting Assistant Government Agent, Mátalé, is the officer to be appointed the Forest Settlement Officer of the reserved forest aforesaid.

18 Proclaiming the tract of land called Kakkoṭumaḍitta *alias* Máoya-ẹla, situated at Mailápiṭiya village, in Héwáwissa kóralé of the district of Lower Héwáheṭa, in the Central Province, the limits of which land are specified, to be a reserved forest for the purposes of "The Forest Ordinance, 1885."

Feb. 22 Proclaiming Nattaṇḍiya, in the North-Western Province, a "town" for the purposes of "The Small Tenements Ordinance, 1882," and specifying the limits of the said town.

23 Establishing a District Court within the District of Puttalam, and appointing that the said District Court shall be holden in the town of Puttalam.

28 Declaring the Crown land known as Polgollemukalana, situate in the Uḍapola or Otoṭa kóralé of Dambadeni hatpattu, in the District of Kurunégala, to be a reserved forest as from and after February 28, 1887, and specifying the limits of the said reserved forest for the purposes of "The Forest Ordinance, 1885."

Mar. 13 Bringing the chief headman's division of Wiyaluwa, in the Province of Uva, within the operation of "The Village Communities' Ordinance, 1871," and subdividing the said chief headman's division of Wiyaluwa into groups of villages for the purposes of the said Ordinance.

15 Assumption by the Hon. E. N. Walker, C.M.G., of the administration of the Government of Ceylon on the departure of His Excellency the Hon. Arthur Gordon, G.C.M.G., on leave of absence.

15 Appointing that from and after March 15, 1888, the Ordinance No. 21 of 1887, intituled "An Ordinance relating to the Cultivation of Land for a share of the Produce thereof," shall come into operation in all Provinces of the Island, save and except the Eastern and North-Central Provinces.

17 Cancelling the second rule of the port rules for regulating boats plying for hire, established by Proclamation of April 10, 1886, for the Port of Colombo, and establishing in lieu thereof a new rule for the Port of Colombo.

24 Extending the provisions of "The Small Tenements Ordinance, 1882," to the Koṭiyágala bazaar, and defining the limits thereof.

24 Confirmation by Her Majesty of Ordinance No. 18 of 1887.

26 Confirmation by Her Majesty of Ordinance No. 23 of 1887.

27 Establishing from and after April 1, 1888, a police force in the town of Rakwána, defining the limits thereof, and appointing that 6 per centum on the *bonâ fide* annual value of all houses, &c., within those limits shall be the percentage which the said amount of tax payable under the 34th section of "The Police Ordinance, 1865," shall equal for the purposes of the said Ordinance.

April 6 Appointing that Part II. of "The Grain Tax Ordinance, 1878," shall from and after April 6, 1888, come into operation in the Mátalé East division of the Central Province, and defining the limits of the said division.

April 9 Appointing that a sessions of the Supreme Court in its criminal jurisdiction shall be holden at Badulla on Monday, May 7, 1888.

9 Proclaiming Mátalé a "town" for the purposes of "The Small Tenements Ordinance, 1882," and defining the limits of the said town for the purposes of the said Ordinance.

9 Extending the application of sections 5, 6, 7, 8, 9, and 10 of the Ordinance No. 2 of 1873 (relating to irrigation), as amended by Ordinance No. 2 of 1887, to the Panawa and Bintenna divisions of Siṅhalese wanams of the Akkarai pattu and Sammanturai divisions of the Eastern Province, from April 9, 1888.

10 Specifying and defining the limits of the area to be served by the general cemetery of Negombo established by Proclamation of October 26, 1881,

10 Notifying approval of rules made under the provisions of "The Paddy Cultivation Ordinance, 1867," for the enforcement of the ancient customs regarding the irrigation and cultivation of paddy lands situated in the District of Mátalé, in the Central Province.

11 Confirmation by Her Majesty of Ordinance No. 24 of 1887.

13 Confirmation by Her Majesty of Ordinances Nos. 1 of 1888, No. 22 of 1887, and No. 21 of 1888.

24 Bringing, from and after April 24, 1888, the chief headman's division of Alutkúru kóralé North of the District of Negombo, in the Western Province, within the operation of "The Village Communities' Ordinance, 1871," subdividing for the purposes of the said Ordinance the chief headman's division of Alutkúru kóralé North of the District of Negombo into groups of villages, and defining the boundaries of the said subdivisions.

26 Directing that a sessions of the Supreme Court in its criminal jurisdiction shall be holden at Mátara, within the Southern Circuit, on Saturday, May 26, 1888.

27 Directing that a sessions of the Supreme Court in its criminal jurisdiction shall be holden at Colombo, within the District of Colombo, on Monday, June 4, 1888.

May 18 Notifying that under the provisions of "The Forest Ordinance, 1885," it is proposed to constitute certain allotments of land described in preliminary plan 1,183, and situated in Paranamaduluwa and Kaṭṭukulam in the Puttalam District, North-Western Province, a reserved forest; and that Mr. L. F. Lee is the officer appointed the Forest Settlement Officer in respect thereof.

May 22 Specifying under the provisions of the Ordinance No. 16 of 1887 the articles which shall be imported into Ceylon for making tea boxes free of duty of Customs.

30 Directing that a sessions of the Supreme Court in its criminal jurisdiction shall be holden at Kurunégala on Thursday, June 28, 1888.

31 Notifying that under the provisions of "The Forest Ordinance, 1885," it is proposed to constitute the land known as the Kandapola-Sita Eliya forest, and lying to the north of the Nuwara Eliya-Badulla road, a reserved forest; and that Mr. C. J. R. Le Mesurier is the officer appointed the Forest Settlement Officer in respect thereof.

June 2 Bringing the town of Mátalé, in the Central Province, under the operation of "The Local Board of Health and Improvement Ordinance, 1876," from and after July 1, 1888, and defining the limits of the said town for the purposes of the said Ordinance.

6 Extending the provisions of "The Guides' Ordinance, 1887," to the Municipality of Kandy.

6 Establishing under the provisions of "The Village Communities' Ordinance, 1871," village tribunals at Minuwangoḍa for the villages in the subdivision of Dásiya pattu of the chief headman's division of Alutkúru kóralé North, in the revenue District of Negombo in the Western Province, and at Dunagaha and Kaṭána for the villages in the subdivision of Dunagaha pattu of the said chief headman's division of Alutkúru kóralé North, as grouped together in the Proclamation dated April 24, 1888.

6 Limiting the jurisdiction of each of the village tribunals established in the chief headman's division of Alutkúru kóralé North, in the revenue District of Negombo in the Western Province, to breaches of rules made under the Ordinances No. 34 of 1884, or No. 26 of 1871, or No. 8 of 1882, together with the exercise of civil and criminal jurisdiction referred to in section 21 of Ordinance No. 26 of 1871 and section 8 of Ordinance No. 12 of 1880.

14 Extending the provisions of "The Small Tenements Ordinance, 1882," to the bazaars at Haldummulla, Haputalé, and Koslanda, and defining the limits thereof.

25 Extending the provisions of Ordinance No. 11 of 1882 to Brownlow bazaar, and defining the limits thereof.

July 13 Directing that a criminal sessions of the Supreme Court be held at Kandy, in the Midland Circuit, on August 7, 1888.

17 Notifying confirmation by Her Majesty of Ordinances No. 8 of 1886 and No. 2 of 1888.

July 25 Directing that a criminal sessions of the Supreme Court be held at Galle, in the Southern Circuit, on August 27, 1888.

Aug. 3 Notifying that under the provisions of the 19th section of Ordinance No. 10 of 1885, certain tracts of land situated in the village of Edurapola, in the Gandolaha pattu of the Beligal kóralé, have been declared to be reserved forests.

16 Directing that a criminal sessions of the Supreme Court be held at Trincomalee on or about September 14, 1888, and at Batticaloa on or about September 17, 1888.

23 Establishing a police force in the town of Hatton, and defining the limits of the said town.

28 Extending the provisions of "The Paddy Cultivation Ordinance" to the whole of the Province of Uva.

28 Declaring the road leading from nearly opposite the Dambulla resthouse to the Public Works Department bungalow at Dambulla to be a principal thoroughfare for the purposes of "The Road Ordinance, 1861."

Sept. 1 Extending the provisions of "The Small Tenements Ordinance, 1882, "to the town of Náwalapiṭiya, and defining the limits thereof.

17 Directing that a criminal sessions of the Supreme Court be held at Mátara on October 22, 1888.

29 Directing that a criminal sessions of the Supreme Court be held at Kalutara on November 1, 1888.

29 Extending the provisions of the 94th section of "The Road Ordinance, 1861," to the section of the Maskeliya road from Norwood bridge to Blair Athol gap, extending from the 26·38 to the 30·25 miles.

Oct. 5 Cancelling the Proclamation of December 23, 1875, and altering the limits of the rural district of Dikoya for the purposes of "The Police Ordinance, 1865."

12 Abolishing the village tribunal established in 1886 under the Ordinance No. 12 of 1880 in the chief headman's division of Giruwá pattu West, in the District of Hambantoṭa, Southern Province.

13 Bringing "The Village Communities' Ordinance, 1871," into operation within the chief headman's division of Giruwá pattu West, Hambantoṭa District.

13 Subdividing the division of Giruwá pattu West into groups of villages for the purposes of "The Village Communities' Ordinance, 1871."

16 Declaring that from and after January 1, 1889, the following roads shall be deemed to be principal thoroughfares for the purposes of "The Road Ordinance, 1861," viz., the road from Pánaduré to Nambapána, the road from Karawaṇella to Ruwanwella, the road from Giriulla to Pasyála,

Oct. 18 Bringing the town of Chilaw within the operation of "The Local Board Ordinance," and defining the limits thereof.

20 Directing that a criminal sessions of the Supreme Court shall be held at Negombo on November 21, 1888.

Nov. 22 Declaring the road from Galle (starting from a point near the 74th milepost on the Galle and Mátara road) to Uḍagama Post Office, passing *viâ* Koṭṭowa and through the Uḍagama tea estates, to be a principal thoroughfare from and after January 1, 1889.

Dec. 8 Declaring the tract of land called Kakkuṭamaḍitta *alias* Máoya-ęla, situated in the village Mayilápiṭiya in the Héwáwissé kóralé of Lower Héwáheṭa, in the Central Province, to be a reserved forest under the provisions of Ordinance No. 10 of 1885.

13 Directing that a criminal sessions of the Supreme Court shall be held at Badulla on January 14, 1889.

17 Directing that a tax at the rate of 5 per cent. on the annual value of all houses and buildings and of all lands and tenements within the town of Hatton be levied for the maintenance of the police force established in that town.

17 Extending the provisions of "The Small Tenements Ordinance, 1882," to so much of the St. John Del Rey estate, situate in the Ambagamuwa kóralé of Uḍa Bulatgama, as lies on each side of the high road from Náwalapiṭiya to Koṭiyágala between the 29½ mile and 31st mile from Náwalapiṭiya for a distance of one chain from the said road.

21 Altering, under the provisions of Ordinance No. 6 of 1847 (Marriages, Births, and Deaths), the divisions of the Puttalam and Chilaw Districts.

1889.

Jan. 1 Division of the Western Province for revenue and administrative purposes into two distinct Provinces, the one to be called, as heretofore, "the Western Province," and the other "the Province of Sabaragamuwa."

5 Assumption by Sir E. N. Walker, K.C M.G., of the administration of the Government of Ceylon on the departure of Sir A. Gordon, G C.M.G., on leave of absence.

25 Roadstead and town of Dutch Bay appointed a port for the lading and unlading of goods from and after February 10, 1889, under the provisions of the Customs Ordinance, No. 17 of 1869, and during the continuance of the Pearl Fishery.

Feb. 1 Directing that a criminal sessions of the Supreme Court be held at Trincomalee on or about February 18, 1889.

2 Proclaiming Moratuwa a "town" for the purposes of the Small Tenements Ordinance, No. 11 of 1882, and defining the limits of the said town.

Mar. 8 Confirmation by Her Majesty of Ordinances No. 7 of 1888 (Haputalé and Bentota Railway Loan) and No. 4 of 1888 (Joint Stock Companies' Stamp Duties).

8 Bringing the Ordinance relating to Youthful Offenders into operation in the judicial division of Colombo from and after May 1, 1889.

13 Withdrawal of the police force at Kadiyanlena, or Kotmalé, from and after April 1, 1889.

14 Confirmation by Her Majesty of Ordinances No. 6 of 1888 (Amendment of Joint Stock Companies' Ordinance, 1861) and No. 8 of 1888 (Cart Registration Ordinance)

23 Confirmation by Her Majesty of Ordinances No. 3 of 1888 (Merchant Shipping), No. 9 of 1888 (Final Supplementary Supply, 1887), No. 11 of 1888 (Supplementary Supply, 1888), and No. 10 of 1888 (Supply, 1889).

25 Extension of the operation of "The Paddy Cultivation Ordinance" to the Province of Sabaragamuwa.

25 Bringing "The Merchandise Marks Ordinance, 1888," into operation from and after March 25, 1889.

25 Bringing "The Trade Marks Ordinance, 1888," into operation from and after March 25, 1889.

26 Bringing "The Muhammadan Marriage Registration Ordinance, 1886," into operation in the several districts of the Western Province.

26 Bringing "The Muhammadan Marriage Registration Ordinance, 1886," into operation in the Districts of Galle, Mátara, and Tangalla, in the Southern Province.

26 Bringing "The Muhammadan Marriage Registration Ordinance, 1886," into operation in the Districts of Kurunégala, Puttalam, Kalpitiya, and Chilaw, in the North-Western Province.

April 1 Directing that a criminal sessions of the Supreme Court be held at Kurunégala on May 2, 1889.

10 Confirmation by Her Majesty of Ordinance No. 5 of 1888 (Repeal of the Contagious Diseases Ordinance).

11 Declaring the Kotmale to Dimbula and Nuwara Eliya road, a total distance of 42 miles, a principal thoroughfare under "The Road Ordinance, 1861."

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April 14 Bringing the Ordinance relating to Youthful Offenders into operation in the judicial division of Haldummulla from and after May 1, 1889.

15 Directing that a criminal sessions of the Supreme Court be held at Kalutara on May 20, 1889.

18 Directing that a criminal sessions of the Supreme Court be held at Ratnapura on April 18, 1889.

18 Confirmation by Her Majesty of Ordinance No. 13 of 1888 (Fraudulent Marks on Merchandise).

May 3 Confirmation by Her Majesty of Ordinance No. 14 of 1888 (Trade Marks).

6 Directing that a criminal sessions of the Supreme Court be held at Mátara on June 5, 1889.

23 Bringing "The Muhammadan Marriage Registration Ordinance, 1886," into operation in the Districts of Kandy, Mátalé, and Nuwara Eliya, in the Central Province.

June 4 Confirmation by Her Majesty of Ordinance No. 4 of 1889 (Land Registration Amendment Ordinance).

July 5 Bringing "The Carriage Ordinance, 1873," into operation within the Local Board limits of the town of Badulla from and after July 5, 1889.

25 Bringing "The Muhammadan Marriage Registration Ordinance, 1886," into operation in the Districts of Ratnapura and Kégalla from and after August 1, 1889.

30 Confirmation by Her Majesty of Ordinances No. 1 of 1889 (Courts and their Jurisdictions) and No. 2 of 1889 (Civil Procedure Code).

Aug. 1 Confirmation by Her Majesty of Ordinance No. 3 of 1889 (Buddhist Temporalities).

5 Proclaiming that from and after August 5, 1889, the Police Court of Puttalam shall be a Police Court at which longer remands than seven days may be made.

5 Bringing "The Carriage Ordinance, 1873," into operation within the Local Board limits of the town of Mátara from and after August 5, 1889.

17 Bringing the division of the chief headman of Gangaboda pattu, in the Southern Province, within the operation of "The Village Communities' Ordinance, 1871."

22 Directing that a criminal sessions of the Supreme Court be held at Batticaloa on or about September 16, 1889.

26 Defining and setting out the kóralés which comprise the Province of Sabaragamuwa.

Sept. 27 Bringing the Carriage Ordinance, No. 17 of 1873, into operation along the line of road from Kégalla to Polgahawela.

Oct. 3 Directing that a criminal sessions of the Supreme Court be held at Mátara on October 28, 1889.

14 Bringing the Ordinance No. 9 of 1889, relating to the sale by retail of Opium and Bhang within the Colombo Municipality, into operation from and after October 14, 1889.

15 Directing that a criminal sessions of the Supreme Court be held at Kalutara on November 18, 1889.

16 Directing that carbolic acid be deemed a poison within the meaning of "The Sale of Poisons Regulation Ordinance, 1876."

18 Specifying the rates of toll that shall be levied in respect of the toll established on the road from Nugegoḍa to Narahenpiṭa.

21 Proclaiming the Police Court of Galle to be a Police Court at which longer remands than seven days may be made.

31 Confirmation by Her Majesty of Ordinance No. 6 of 1889, intituled "An Ordinance to repeal the Ordinance No. 11 of 1846," and Ordinance No. 8 of 1889, intituled "An Ordinance relating to Quarries."

Nov. 1 Confirmation by Her Majesty of Ordinance No. 7 of 1889, intituled "An Ordinance amending the Law relating to Vagrants."

13 Bringing the Carriage Ordinance, No. 17 of 1873, into operation along the line of roḍ from Kandy to Teldeniya *viâ* Gonawatta ferry.

14 Altering and varying the divisions of the District of Galle, in the Southern Province, as at present existing, for the purposes of "The Road Ordinance, 1861," and proclaiming the divisions of the district that shall be in force from and after January 1, 1890.

15 Establishing the Provinces under the provisions of section 4 of "The Buddhist Temporalities Ordinance, 1889," and dividing them into districts and sub-districts, and declaring which of them are to be deemed principal districts.

15 Bringing "The Buddhist Temporalities Ordinance, 1889," into operation in the provinces, districts, and sub-districts appearing in the schedule to the Proclamation dated November 15, 1889.

15 Confirmation by Her Majesty of Ordinance No. 5 of 1889, intituled "An Ordinance for the suppression of Brothels."

19 Declaring the rates of postage and fees for registration chargeable on postal packets transmitted to the Comera Islands.

21 Bringing the Ordinance No. 1 of 1886 into operation within the several districts of Manmunai and Eravúr, in the Eastern Province.

Nov. 22 Declaring the rates of toll to be levied in respect of (1) the minor road from Ambalangoḍa to Elpiṭiya, (2) the minor road from Hirumbure to Baddegama, and (3) the minor road from Labuduwa to Akmimana.

Dec. 5 Declaring the forest known as the Haputalé forest, and situated above the Haputalé Pass, in the village Haputalé, in the Mahapaláta kóralé of Uḍukinda, a reserved forest, and specifying the limits thereof.

6 Declaring the rates of postage chargeable on parcels to be transmitted to India.

6 Declaring the rates of toll to be levied in respect of the ferry at Hembarastoṭa on the Mahaweli-gaṇga.

6 Declaring the rates of toll to be levied in respect of the roads from Wellawaya to Hambantoṭa, from Wellawaya to Koslanda, and from Wellawaya to Mupana.

7 Declaring the forests known as Annakkadeniyahena, Nahitimukalana, Nahitimukalana, and Dehigaswelpola, Hawupayahena, Handumaldolahena, to be reserved forests, and specifying the limits thereof.

7 Declaring the forests known as Dalukettiya-atura and Dehigala-atura to be reserved forests, and specifying the limits thereof.

12 Altering the divisions of the Midland Circuit, so far only as regards the limits of the several divisions of Badulla and Nuwara Eliya, and re-defining the limits of the said divisions for the purposes of "The Administration of Justice Ordinance, 1868."

12 Confirmation by Her Majesty of Ordinance No. 12 of 1889, intituled "An Ordinance to amend the Law relating to the Registration of Titles to, and of Deeds affecting, Land in this Colony."

13 Directing that the first criminal sessions of the Supreme Court for the Northern Circuit for the year 1890 be holden at Jaffna on Monday, January 20, instead of on Monday, February 10.

13 Confirmation by Her Majesty of Ordinance No. 9 of 1889, intituled "An Ordinance relating to the sale by retail of Opium and Bhang within the Colombo Municipality," and No. 11 of 1889, intituled "An Ordinance relating to Volunteers."

18 Directing that a criminal sessions of the Supreme Court be holden at Kurunégala on January 15, 1890.

20 Bringing the division of the chief headman, known as the Binṭenna of the Eastern Province, within the operation of "The Village Communities' Ordinance, 1871."

1890.

Jan. 6 Confirmation by Her Majesty of Ordinance No. 10 of 1889, intituled "An Ordinance relating to the Expenses attendant upon the Conviction, or the Acquittal on the ground of Insanity, of Natives and Residents of Ceylon in a Foreign Country under the Foreign Jurisdiction Acts."

16 Prohibiting burials in the private burial grounds within the Local Board limits of Mátalé from and after March 1, 1890.

18 Confirmation by Her Majesty of Ordinance No. 14 of 1889, intituled "An Ordinance to provide for the validity of certain Marriages registered in the District of Mátalé under 'The Amended Kandyan Marriage Ordinance, 1870.'"

21 Bringing the town of Kalpitiya within the operation of Ordinance No. 10 of 1854 (Burial Grounds).

22 Establishment of a police force at Padiyapelella, in the District of Nuwara Eliya, and the part of the country adjacent thereto, from and after February 1, 1890.

28 Proclaiming the roadstead and town of Pùkulam a port for the lading and unlading of goods during the continuance of the Pearl Fishery.

31 Establishment of a general cemetery at Kalpiṭiya.

Feb. 6 Proclaiming the Talawiṭiya reserve and the land called Palladeniyahena as reserved forests from and after April 10, 1890.

8 Directing that a criminal sessions of the Supreme Court be held at Trincomalee on February 26, 1890.

8 Confirmation by Her Majesty of Ordinance No. 16 of 1889, intituled "An Ordinance to authorize the punishment of Whipping in certain cases."

15 Specifying the rates at which toll shall be levied in respect of the toll established at Migahawatta, at or near Madarawa bridge, on the road from Talawatuhénpiṭa to Udupila.

15 Declaring that payment at the toll at Migahawatta, at or near Madarawa bridge, on the road from Talawatuhénpiṭa to Udupila, shall clear the several tolls established at the stations on the Kelaniya to Henaratgoḍa road; and further, that payment at any one of the said several tolls established on the Kelaniya to Henaratgoḍa road shall in like manner clear the toll in respect of the road from Talawatuhénpiṭa to Udupila.

15 Appointing Marichchukkaddi to be a place at which the District Courts of Mannár and Puttalam and the Courts of Requests of Mannár and Puttalam shall respectively be holden for the purposes of the administration of justice from and after February 21, 1890.

Feb. 15 Establishing a prison at Marichchukkaddi.

15 Establishing a police force at Marichchukkaddi.

16 Declaring that from and after March 1, 1890, the provisions of "The Quarries Ordinance, 1889," shall apply to the town of Ratnapura.

16 Prohibiting the use of the net known as "rẹ́na-dẹla" within the limits of the Negombo lake.

28 Altering the limits of the Province of Kandy and of the Province of Ratnapura as fixed by the Proclamation of November 15, 1889, for the purposes of "The Buddhist Temporalities Ordinance."

Mar. 5 Extending the provisions of "The Small Tenements Ordinance, 1882," to Campion estate, situated in Bogawantalawa.

8 Directing that an assessment rate of 5 per cent. be levied for the maintenance of the police force at Mátalé.

21 Directing that a criminal sessions of the Supreme Court be held at Badulla on April 21, 1890.

27 Proclaiming the land known as the Wallankanda range of hills, situated in the villages Rambuka, Tanabale, and Tebugala, in the Uda pattu of Kukulu kóralé in the District of Sabaragamuwa, as a reserved forest, and specifying the limits thereof.

April 10 Proclaiming the Police Court of Taṇgalla to be a Police Court at which longer remands than seven days may be made.

21 Notifying that "The Courts Ordinance, 1889," and "The Civil Procedure Code, 1889," shall come into operation from and after August 1, 1890.

May 1 Proclaiming the land known as Kaduwelakanatta, situated at Hangomuwa, in the Palle pattu of Nawadun kóralé, to be a reserved forest, and specifying the limits thereof.

7 Directing that criminal sessions of the Supreme Court be held at Mátara and at Taṇgalla on June 2 and 12, 1890, respectively.

8 Bringing the towns of Kẹ́galla, Dehiowiṭa, Yaṭiyantoṭa, Balangoḍa, and Rakwána, in the Province of Sabaragamuwa, within the operation of "The Small Tenements Ordinance, 1882."

21 Establishing a police force at Pẹ́liyagoḍa from and after June 1, 1890.

21 Abolishing the district of Udugaha pattu of the Hápitigam kóralé as a registration district for the purposes of Ordinance No. 6 of 1847 and of Ordinance No. 18 of 1867, and establishing in lieu thereof two districts, called the district of Udugaha North of the Hápitigam kóralé and the district of Udugaha South of the Hápitigam kóralé, as registration districts for the purposes of the Ordinances referred to.

May 21 Proclaiming that all persons shall be prohibited by commanders of vessels from descending into the holds after removal of the hatches, till the air in the holds has been tested and found respirable.

22 Directing that a criminal sessions of the Supreme Court shall be held at Negombo on June 26, 1890.

22 Proclaiming that a Census shall be taken on February 26, 1891.

29 Quartering a police force in the villages of Payyágala and Ẹtagama.

June 25 Proclaiming that "The Gaming Ordinance, 1889," shall come into operation from and after June 30, 1890.

27 Establishing a general cemetery at Kalpiṭiya from and after July 1, 1890.

28 Quartering a police force at Kudapayyagala, Etagama, Kalamulla, and Katukurunda.

July 2 Proclaiming the land known as the Bambarabotuwa village, situated in the Udapattuwa of Nawadun kóralé, in the District of Ratnapura, a reserved forest.

5 Directing that criminal sessions of the Supreme Court be held at Kurunégala on August 1, 1890, and at Kandy on August 13, 1890.

27 Cancelling by-law No. 1 published in the *Government Gazette* of May 4, 1867, relating to establishments of the Galle Municipality, and substituting another for it.

Aug. 1 Altering the limits of the division of Nuwara Eliya as defined in the schedule to "The Courts Ordinance, 1889."

1 Altering the limits of the division of Point Pedro as defined in the schedule of "The Courts Ordinance, 1889."

1 Specifying the places at which District Courts and Courts of Requests shall be held under "The Courts Ordinance, 1889."

1 Appointing the persons at present holding the office of District Judge, Commissioner of Requests, and Police Magistrate, or acting in such capacities, to like offices for the districts or places named in the Proclamations of this date under "The Courts Ordinance, 1889."

2 Declaring the road from Galmal-oya to Urugala on the road to Bintenna to be a principal thoroughfare from and after January 1, 1891.

6 Proclaiming that Ordinance No. 23 of 1889, intituled "An Ordinance relating to the Irrigation and Cultivation of Paddy Lands," shall come into operation from and after August 9, 1890.

Aug. 9 Proclaiming that Ordinance No. 24 of 1889, intituled "An Ordinance relating to Village Communities," shall come into operation from and after August 30, 1890.

13 Bringing the Kandaboda pattu, in the Mátara District, within the operation of "The Village Communities' Ordinance, 1889."

15 Proclaiming that Ordinance No. 7 of 1890, intituled "An Ordinance to amend the Ordinance No. 13 of 1889, relating to Indian Coolies employed on Ceylon Estates," shall come into operation from and after August 15, 1890.

19 Declaring the road from Horana to Warakágoḍa to be a principal thoroughfare from and after January 1, 1891.

28 Altering the dates fixed for holding the criminal sessions of the Supreme Court for the Northern and Southern Circuits, and directing that criminal sessions be held at Jaffna on or about September 26, at Galle on or about October 10, at Trincomalee on or about September 29, and at Batticaloa on or about October 1.

Sept. 2 Subdividing the chief headman's division of Bintenna, in the Province of Uva, into groups of villages for the purposes of "The Village Communities' Ordinance, 1889."

6 Bringing "The Carriage Ordinance, 1873," into operation along a certain line of roads in the Dikoya district from and after October 1, 1890.

25 Constituting the land known as Weragalayaye Monaranetugalatenna a village forest for the benefit of the village communities of Usattawa.

26 Establishing a police force in the rural district of Hanweḷla in Uda Dumbara, in the Central Province, from and after October 1, 1890.

26 Directing that a criminal sessions of the Supreme Court be held at Mátara on Monday, October 27, 1890.

26 Directing that criminal sessions of the Supreme Court be held at Ratnapura and at Kalutara on November 3 and 11, 1890, respectively.

Oct. 1 Altering the numbers of the sub-districts of the district of Yapahuwa, of the Province of Kandy, by adding the sub-district of "Demala hatpattu" to the sub-district of "Rajakumaravanni pattus of Puttalam," so as to form a single sub-district, to be called "the Demala Rajakumaravanni hatpattu of Puttalam," and declaring that from and after October 1 the district of Yapahuwa, in the Province of Kandy, shall consist of three sub-districts named respectively (1) Hiriyala hatpattu, (2) Vanni hatpattu, and (3) Demala Rajakumaravanni hatpattu of Puttalam.

Oct. 17 Dividing the Yatakalan pattu and the Udapaláta, in the Chilaw District, into divisions for the purposes of "The Road Ordinance, 1861."

22 Proclaiming the land known as Pyrandawe Mukalana, situated in the Yágam pattuwa of Pitigal kóralé South, a reserved forest, and specifying the limits thereof.

Nov. 7 Specifying the rates at which tolls shall be levied in respect of the Udugama road.

7 Abolishing the districts and divisions at present existing in the Central Province for the purposes of the registration of marriages, births, and deaths, and establishing other districts and divisions in lieu thereof.

7 Altering the divisions at present existing in the Central Province for the purposes of the registration of marriages, births, and deaths under "The Kandyan Marriage Ordinance, 1870," and establishing other divisions.

20 Subdivision of the chief headman's division of Kandaboda pattu, in the Southern Province, into groups of villages for the purposes of "The Village Communities' Ordinance, 1889."

21 Establishment of a police force at Dambulla, in the Central Province, under section 8 of Ordinance No. 16 of 1865.

29 Subdivision of the chief headman's divisions of Buttala and Wellassa, in the Province of Uva, into groups of villages for the purposes of "The Village Communities' Ordinance, 1889."

Dec. 5 Applying the provisions of "The Quarries Ordinance, 1889," to the town of Colombo.

14 Bringing "The Youthful Offenders' Ordinance, 1886," into operation within the District of Galle from and after January 1, 1891.

18 Specifying the rates at which tolls shall be levied in respect of the ferry at Lunuwila on the Gin-oya, Chilaw District.

19 Alteration of the divisions of the District of Colombo, Western Province, as at present existing for the purposes of "The Road Ordinance, 1861."

29 Bringing the chief headman's division of Kotmale and Walapané within the operation of "The Village Communities' Ordinance, 1889," and subdividing the divisions into groups of villages for the purposes of the Ordinance.

1891.

Jan. 31 Withdrawing the police force from Nuwara Eliya as from and after January 1, 1891.

Feb. 4 Directing that a criminal sessions of the Supreme Court be held at Kurunégala on Monday, March 2, 1891.

9 Proclaiming the following Crown lands, situated in Kudagalboda kóralé of Hiriyala hatpattu, in the District of Kurunégala, as reserved forests from and after February 15, 1891, viz., Dehigomuwakele, Sundapola Mukalana, Patane Mukalana, Demalussegama Mukalana, Aywandama Mukalana, Siyambalangomuwa Mukalana, and Pahala Pellandeniya Mukalana, Ihala Pellandeniya, and Udattapola Mukalana.

12 Alteration of the divisions of the District of Negombo, Western Province, as at present existing for the purposes of "The Road Ordinance, 1861."

20 Establishing a police force at Alutgama, in the District of Kalutara, from and after March 1, 1891.

20 Establishing a police force at Navatkuda and Manjantuduwai, in the Eastern Province, from and after March 1, 1891.

20 Bringing "The Carriage Ordinance, 1873," into operation along the line of road from Avisáwélla to Ginigathena gap from and after March 1, 1891.

23 Appointing the roadstead and town of Púkulam, in the Northern Province, a port for the lading and unlading of goods during the continuance of the Pearl Fishery of 1891.

23 Appointing Marichchukkaddi to be a place at which the District Courts of Mannár and Puttalam and the Courts of Requests of Mannár and Puttalam may respectively be held for the purposes of the administration of justice from and after March 1, 1891.

23 Establishing a prison at Marichchukkaddi for the reception of prisoners of every description committed or remanded under the authority of the several Courts of Mannár and Puttalam respectively.

23 Establishing a police force at Marichchukkaddi from and after March 1, 1891.

24 Cancelling so much of the Proclamation of November 10, 1887, as brings the divisions of Kalubówila and Talangama within the operation of "The Land Registration Ordinance, 1877."

26 Closing the burial ground called "Anguruwella cemetery," situated at Kégalla, in the Province of Sabaragamuwa, and establishing another.

Feb. 28 Establishing a burial ground at Tunganalai within the town and neighbourhood of Kalpiṭiya.

Mar. 26 Conceding to Mr. George Wall, of Colombo, the right of interment in the family vault owned by him in the Galle Face burial ground.

26 Bringing "The Carriage Ordinance, 1873," into operation along certain lines of roads in the Colombo and Kalutara Districts.

April 2 Directing that a criminal sessions of the Supreme Court be held at Badulla on or about April 20, 1891.

12 Proclaiming that "The Chanks Ordinance, 1890," shall come into operation from and after June 30, 1891.

23 Directing that a criminal sessions of the Supreme Court be held at Mátara on or about May 11, 1891.

May 5 Directing that a criminal sessions of the Supreme Court be held at Taṇgalla on or about May 25, 1891.

10 Proclamation of by-law passed by the Municipal Council of Colombo relative to the rates or fares chargeable for hackeries licensed to ply for hire under Ordinance No. 17 of 1873.

21 Proclaiming that the privileges of naturalization have been conferred upon Hermann Joseph Pappe, of Colombo, in pursuance of the provisions in that behalf contained in "The Naturalization Ordinance, 1890."

22 Declaring certain districts in the Western Province to be irrigation districts for the purposes of "The Irrigation and Paddy Cultivation Ordinance, 1889."

June 10 Proclaiming that "The Public Officers' Security Ordinance, 1890," shall come into operation from and after July 1, 1891.

10 Alteration of the divisions of the District of Kalutara as at present existing for the purposes of "The Road Ordinance, 1861."

24 Directing that a criminal sessions of the Supreme Court be held at Kuruṇégala on or about Friday, July 24, 1891.

24 Directing that a criminal sessions of the Supreme Court be held at Trincomalee on or about July 29, 1891.

July 2 Revoking the Proclamation of October 14, 1877, establishing a prison at Tissamaharáma as from and after June 1, 1891.

6 Proclaiming the approval of certain rules framed under the provisions of section 16 of "The Village Communities' Ordinance, 1889," for the maintenance of certain ẹlas in Páta Dumbara, in the District of Kandy, and to ensure the regular cultivation and irrigation of the fields thereunder.

July 31 Withdrawal of the police force from Ratnapura as from and after July 31, 1891.

Aug. 1 Proclaiming that the provisions of the 4th sub-section of the 94th section of "The Road Ordinance, 1861," shall be applicable to the road between Kurunégala and the railway station at Polgahawela.

3 Proclaiming the letters patent passed under the Great Seal of the United Kingdom for the annexation of the Great Basses Rock and the Little Basses Rock to the Island of Ceylon.

24 Reducing the duty on cinchona entered for exportation from 20 cents per cwt. to 5 cents per cwt. as from and after September 1, 1891.

27 Establishing a police force in the rural district of Udispattu, in the Central Province, from and after September, 1, 1891.

Sept. 3 Directing that a criminal sessions of the Supreme Court be held at Galle on September 21, 1891, instead of on September 15, as fixed by "The Courts Ordinance, 1889," and that a session be held at Mátara on October 1.

12 Re-defining the limits of the town of Kurunégala for the purposes of "The Local Board of Health and Improvement Ordinance, 1876."

24 Bringing the whole of the chief headman's division of Siyané kóralé East and a portion of the chief headman's division of Salpiti kóralé, a portion of the chief headman's division of Héwágam kóralé, and a portion of the chief headman's division of Alutkúru kóralé South within the operation of "The Village Communities' Ordinance, 1889," as from and after October 1, 1891.

27 Establishing a prison at Haldummulla.

Oct. 8 Proclaiming that the provisions of the 4th sub-section of the 94th section of "The Road Ordinance, 1861," shall be applicable to the road between Kemagoda and Tanamalwila, Southern Province.

22 Abolishing the several districts established by the Proclamation of December 31, 1886, for the purposes of "The Medical Wants Ordinance, 1880," and creating new districts in lieu thereof.

29 Constituting the forest called the "Panágoda village forest" a village forest for the benefit of the village communities situate in the Aturugiriya Peruwa of the Héwágam kóralé, in the Colombo District of the Western Province.

31 Revoking the Proclamation of July 27, 1883, establishing a police force at Udispattu as from and after November 1, 1891.

Nov. 5 Bringing "The Carriage Ordinance, 1873," into operation along certain lines of roads in the Nuwara Eliya and Dambulla Districts, &c.

Nov. 7 Establishing an additional prison at Ratnapura.

24 Altering and varying the divisions of the District of Hambantota for the purposes of "The Road Ordinance, 1861," as from and after January 1, 1892.

Dec. 2 Bringing into operation the Ordinance No. 11 of 1891, entitled "An Ordinance to re-adjust the Customs Duties leviable on Firearms, and to impose an Export Duty on certain Hides and Horns," as from and after January 1, 1892.

5 Proclaiming the Police Court of Negombo to be a Police Court at which a remand of more than one week can be made.

5 Withdrawing the police force from Pelmaḍulla.

8 Bringing "The Carriage Ordinance, 1873," into operation along the road from Nambapána to Ratnapura as from and after January 1, 1892.

31 Cancelling the Proclamation of January 10, 1877, which separates the towns of Ratnapura and Tiruwanakẹṭiya from the operations of "The Village Communities' Ordinance, 1889," comprised in the chief headman's division of Kuruwiṭi kóralé.

31 Bringing the chief headman's divisions of Pitigal kóralé North and Pitigal kóralé South, in the District of Chilaw in the North-Western Province, within the operation of "The Village Communities' Ordinance, 1889."

1892.

Jan. 14 Revoking Proclamation of February 20, 1891, establishing a police force at Navatkuda and Mungantuduwa.

16 Imposing a duty of Rs. 8 per cwt. on all hides and Rs. 9 per cwt. on all horns of spotted deer and sambur exported from this Colony.

16 Re-defining the northern limits of the town of Chilaw.

19 Amending Port Rule No. 27 by substituting the words "Rs. 15, of which Rs. 10 shall go to the pilot and Rs. 5 to the boat's crew," for the words "Rs. 12·50, of which Rs. 7·50 shall go to the pilot and Rs. 5 to the boat's crew."

28 Quartering police at Trincomalee.

29 Bringing "The Carriage Ordinance, 1873," into operation along the following roads :—(1) From Dehiwala railway station to Mirihána ; (2) from Angulána railway station to Wẹwala ; (3) from Lunáwa railway station to Ráwatáwatta, from and after February 1, 1892.

Feb. 10 Proclaiming that Ordinance No. 10 of 1891, intituled "An Ordinance to prevent the wanton destruction of Elephants, Buffaloes, and other Game," shall come into operation from and after February 12, 1892.

11 Directing that criminal sessions of the Supreme Court be held at Batticaloa and Trincomalee on or about February 29 and March 3 next, respectively.

11 Signifying that the Queen has been pleased not to exercise her power of disallowance of the Ordinance No. 2 of 1891.

19 Proclaiming that "The Ceylon Courts of Admiralty Ordinance, 1891," shall come into operation from and after March 1, 1892.

20 With reference to the tolls established at Etiyawala and Singakkuliya, on the road from Giriulla to Dankoṭuwa, declaring that payment at the former station (Etiyawala) will clear the toll at the latter (Singakkuliya), and *vice versâ*.

27 Bringing "The Licensing Ordinance, 1891," into operation as from and after July 1, 1892.

27 Re-defining the limits of the town of Chilaw for the purposes of "The Local Board of Health and Improvement Ordinance, 1876."

Mar. 4 Bringing the Youthful Offenders' Ordinance, No. 1 of 1886, into operation within the judicial Districts of Kandy, Badulla, and Mátara, respectively, as from and after April 1, 1892.

8 Bringing the Arrack, Rum, and Toddy Ordinance, No. 13 of 1891, into operation as from and after July 1, 1892.

12 Proclaiming the approval of a rule framed under the provisions of section 26 of "The Irrigation and Paddy Cultivation Ordinance, 1889," for the enforcement of ancient customs regarding the irrigation and cultivation of paddy lands situated in the division of Uḍapaláta, in the District of Kandy.

12 Proclaiming approval of the repeal of rule No. 2, drawn up under the provisions of "The Paddy Cultivation Ordinance, 1867," and approved by the Governor, for the enforcement of the ancient customs regarding the irrigation and cultivation of paddy lands in the division of Uḍapaláta.

17 Assenting to the formation of a Volunteer Corps at Batticaloa.

April 6 Directing that a criminal sessions of the Supreme Court be held at Badulla on or about April 20, 1892.

14 Directing that a criminal sessions of the Supreme Court be held at Negombo on or about May 30, 1892.

April 14 Directing that a criminal sessions of the Supreme Court be held at Galle on or about May 2, 1892, instead of April 25, as fixed by "The Courts Ordinance, 1889," and that sessions be held at Mátara on or about May 16, 1892.

14 Proclaiming that "The Jaffna Markets Ordinance, 1891," shall come into operation from and after July 1, 1892.

May 6 Dividing, under section 6 of "The Courts Ordinance, 1889," for the purposes of the administration of justice, the District of Batticaloa, in the Northern Circuit, into two divisions, to be called "the division of Batticaloa" and "the division of Kalmunai."

10 Constituting a village forest for the benefit of the village communities consisting of the villages Aturugiriya and Hómágama, in the Héwágam kóralé of the Western Province.

10 Constituting a village forest for the benefit of the village community of Dedigamuwa, in the Héwágam kóralé of the Western Province.

10 Constituting a village forest for the benefit of the village community of Pitipana, in the Héwágam kóralé of the Western Province.

10 Constituting a village forest for the benefit of the village communities consisting of the villages Panágoda and Godagama, in the Héwágam kóralé of the Western Province.

10 Constituting a village forest for the benefit of the village communities consisting of the villages Nawagamuwa, Bómiriya, Ranále, and Koratota, in the Héwágam kóralé of the Western Province.

10 Constituting a village forest for the benefit of the village communities consisting of the villages Nelluwattuduwa and Diddeniya, in the Héwágam kóralé of the Western Province.

10 Constituting a village forest for the benefit of the village communities consisting of the villages Akarawita and Kahatapitiya, in the Hewágam kóralé of the Western Province.

10 Constituting a village forest for the benefit of the village community of Panagula, in the Héwágam kóralé of the Western Province.

10 Constituting a village forest for the benefit of the village communities consisting of the villages Elamalawala, Mabula, and Pelpola, in the Héwágam kóralé of the Western Province.

10 Constituting a village forest for the benefit of the village communities consisting of the villages Welikkanna and Kahahena, in the Héwágam kóralé of the Western Province.

10 Constituting a village forest for the benefit of the village communities consisting of the villages Avisáwélla and Kudágama, in the Héwágam kóralé of the Western Province.

May 10 Constituting a village forest for the benefit of the village community of Puwakpiṭiya, in the Héwágam kóralé of the Western Province.

10 Constituting a village forest for the benefit of the village communities consisting of the villages Ḗswatta and Hingurala, in the Héwágam kóralé of the Western Province.

10 Constituting a village forest for the benefit of the village community of Kosgama, in the Héwágam kóralé of the Western Province.

10 Constituting a village forest for the benefit of the village communities consisting of the villages Akarawiṭa, Muruttágama, and Detera, in the Héwágam kóralé of the Western Province.

10 Constituting a village forest for the benefit of the village community of Megoḍa, in the Héwágam kóralé of the Western Province

10 Constituting a village forest for the benefit of the village community of Máwatagama, in the Héwágam kóralé of the Western Province.

10 Constituting a village forest for the benefit of the village community of Tunawa, in the Héwágam kóralé of the Western Province.

10 Constituting a village forest for the benefit of the village community of Wagga, in the Héwágam kóralé of the Western Province.

10 Constituting a village forest for the benefit of the village community of Pinnawala, in the Héwágam kóralé of the Western Province.

10 Cancelling Proclamation of July 2, 1886, constituting a village forest for the benefit of the village communities in the neighbourhood of the town of Puttalam, in the North-Western Province, and the neighbouring villages.

10 Constituting a village forest for the benefit of the village communities comprising Puttalam, Chenakudiyiruppu, Arachchivillu and Tammannavillu, Kuruvikkulam, and Manativu, in the North-Western Province.

10 Proclaiming further regulations under section 34 of "The Colombo Waterworks Ordinance, 1886," for the purpose of preventing waste, misuse, undue consumption, or contamination of the water supplied by the Government for public or private use.

12 Establishing a Court of Requests and a Police Court within each of the divisions of Batticaloa and Kalmunai, and appointing the town of Batticaloa and the town of Kalmunai as convenient places at which the aforesaid court of Batticaloa and Kalmunai divisions respectively may be held, from and after June 1, 1892.

May 13 Declaring that the land known as Kandapola Sita Eliya forest, lying to the north of the Nuwara Eliya-Badulla road, shall be a reserved forest from and after June 1, 1892.

17 Establishing a prison on the reclamation ground at Colombo.

June 6 Abolishing from and after July 15, 1892, the Náwalapitiya District defined in the Proclamation dated October 22, 1891, and creating two new districts in lieu thereof, to be named respectively the Náwalapitiya District and the Kotmalé District, for the purposes of "The Medical Wants Ordinance, 1880."

8 Constituting a village forest for the benefit of the village community of Dampe, in the Héwágam kóralé of the Western Province.

8 Constituting a village forest for the benefit of the village communities consisting of the villages Wéwelpanawa and Pitumpe, in the Héwágam kóralé of the Western Province.

8 Constituting a village forest for the benefit of the village communities consisting of the villages Kurugalla and Madaluwáwa, in the Héwágam kóralé of the Western Province.

8 Constituting a village forest for the benefit of the village community of Leanwela, in the Héwágam kóralé of the Western Province.

8 Constituting a village forest for the benefit of the village community of Uggala, in the Héwágam kóralé of the Western Province.

8 Constituting a village forest for the benefit of the village community of Horagalla, in the Héwágam kóralé of the Western Province.

8 Constituting a village forest for the benefit of the village community of Padukka, in the Héwágam kóralé of the Western Province.

8 Constituting a village forest for the benefit of the village community of Angamuwa, in the Héwágam kóralé of the Western Province.

8 Constituting a village forest for the benefit of the village community of Malagala, in the Héwágam kóralé of the Western Province.

8 Constituting a village forest for the benefit of the village community of Kahawela, in the Héwágam kóralé of the Western Province.

8 Constituting a village forest for the benefit of the village community of Yatawatura, in the Héwágam kóralé of the Western Province.

8 Constituting a village forest for the benefit of the village community of Miriágala, in the Héwágam kóralé of the Western Province.

June 8 Constituting a village forest for the benefit of the village community of Bópé, in the Héwágam kóralé of the Western Province.

8 Constituting a village forest for the benefit of the village community of Uḍagama, in the Héwágam kóralé of the Western Province.

8 Constituting a village forest for the benefit of the village community of Mahingala, in the Héwágam kóralé of the Western Province.

8 Constituting a village forest for the benefit of the village community of Angampiṭiya, in the Héwágam kóralé of the Western Province.

8 Constituting a village forest for the benefit of the village community of Weragalla, in the Héwágam kóralé of the Western Province.

8 Constituting a village forest for the benefit of the village community of Galagedara, in the Héwágam kóralé of the Western Province.

9 Proclaiming that "The Cattle Diseases Ordinance, 1891," shall come into operation from and after June 10, 1892.

15 Appointing the town of Kalkuda in the Eastern Province to be a port for the purposes of the Ordinance No. 17 of 1869, from October 15 to March 15 in each year.

15 Declaring the port of Kalkuda to be a port brought within the operation of "The Masters Attendant's Ordinance, 1865," from and after July 1, 1892.

16 Proclaiming approval of rules framed under the provisions of section 13 of "The Irrigation and Paddy Cultivation Ordinance, 1889," for the districts of Salpiṭi kóralé, Héwágam kóralé, Alutkúru kóralé South, and Siyaṇé kóralé East and West of the Colombo District.

22 Rates at which tolls shall be levied in respect of the road from Kaḍugannáwa to Gampola at Kaḍugannáwa and Gampola, from August 1, 1892.

23 Proclaiming and directing that Her Majesty's Order in Council regarding legal tender in Ceylon shall take effect and come into force from and after July 1, 1892.

24 Bringing Ordinance No. 4 of 1891 into operation within the revenue Districts of Kandy and Kurunégala from and after July 1, 1892.

28 Revoking Proclamation establishing a police force in the town of Balangoḍa, and re-establishing a force there from and after June 30, 1892.

28 Creating for the purposes of "The Medical Wants Ordinance, 1880," the District of Kalutara, and grouping together, as from and after July 1, 1892, certain estates forming the district.

July 8 Assenting to the formation of a Volunteer Corps at Mátara.

8 Assenting to the formation of a Volunteer Corps in the planting districts of the Central Province.

13 Directing that criminal sessions of the Supreme Court be held at Trincomalee and Batticaloa on or about July 25 and 26, 1892, respectively.

25 Bringing "The Forest Amendment Ordinance, 1892," into operation from and after August 1, 1892.

27 Directing that a criminal sessions of the Supreme Court be held at Kurunégala on or about August 22, 1892.

28 Establishing a general cemetery under "The Cemeteries Ordinance, 1862," for the use of the residents of Bambalapitiya, Narahenpita, and Timbirigasyáya, in the Pallé pattu of Salpiṭi kóralé, from and after August 1, 1892.

Aug. 4 Confirming by-laws made by the Municipal Council, Galle, under "The Municipal Councils' Ordinance, 1887," for the prevention and abatement of public nuisances in connection with the Galle Waterworks.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Godagama, Pelpita, Welikadamulla, and Warágoda, in the Siyané kóralé East of the Western Province.

7 Constituting a village forest for the benefit of the villages Pallegama, Wérahera, Ganihigama, and Pepiliyawala in the Siyané kóralé East of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Mitirigala and Henagama, in the Siyané kóralé East of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Alawala and Attandakanda, in the Siyané kóralé East of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Nikahetikanda and Hapugastenna, in the Siyané kóralé East of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Yatawaka and Bópagama, in the Siyané kóralé East of the Western Province.

Aug. 7 Constituting a village forest for the benefit of the village communities consisting of the villages Debahera, Bonnuwa, and Miwiṭiya in the Siyané kóralé East of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Wirasurikanda, Dematidenikanda, Hedidenikanda, and Radáwadunna, in the Siyané kóralé East of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Mandawala, Paddawala, Kannimahara, and Indurugalla, in the Siyané kóralé East of the Western Province.

7 Constituting a village forest for the benefit of the village community of Dambutuwa, in the Siyané kóralé East of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Anuragoḍa, Radawana, Diyawala, and Weralugampola, in the Siyané kóralé East of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Korambe and Indolamulla, in the Siyané kóralé East of the Western Province.

17 Proclaiming that the provisions of the 4th sub-section of the 94th section of "The Road Ordinance, 1861," shall be applicable to the Coast road from Galle to Colombo.

23 Proclaiming assessment rate of 5 per cent. on all property in the town of Hatton for the upkeep of the police force established there.

26 Re-defining the limits of the Province of Colombo, the Province of Kandy, the Province of Anurádhapura, and the Province of Galle, and establishing the Province of Kurunégala, for the purposes of "The Buddhist Temporalities Ordinance, 1889."

30 Proclaiming certain forests situated in the villages of Sellankandel and Chenakudiyirippu, in the Puttalam pattu, to be reserved forests from and after September 5, 1892.

Sept. 2 Directing that a criminal sessions of the Supreme Court be held at Mátara on or about September 21, 1892.

3 Bringing Ordinance No. 5 of 1892, intituled "An Ordinance to re-adjust the Customs Duties leviable on Tobacco, Kerosine Oil, and Spirits," into operation from and after December 31, 1892.

3 Constituting a village forest for the benefit of the village community of Piṭipana, in the Pallé pattu of Héwágam kóralé of the Western Province.

Sept. 5 Bringing Ordinance No. 7 of 1892, intituled "An Ordinance to empower the Ceylon Government to raise Four Million Rupees for the construction of Railways and other Public Works," into operation as from and after September 5, 1892.

5 Bringing Ordinance No. 8 of 1892, intituled "The Ceylon Inscribed Rupee Stock Ordinance, 1892," into operation as from and after September 5, 1892.

5 Declaring that "Nutborne estate" shall, for the purposes of "The Medical Wants Ordinance, 1880," from and after September 10, 1892, be added to and included in the group of estates forming the Lindula District in the Proclamation of October 22, 1891.

7 Specifying rates of postage chargeable under "The Postal Ordinance, 1878," on postal packets transmitted to Mauritius.

8 Annulling limits of the port of Weligama and declaring same to be no longer a port for the purposes of Ordinance No. 17 of 1869, from and after September 15, 1892.

9 Directing that a criminal sessions of the Supreme Court be held at Tangalla on or about September 28, 1892.

16 Proclaiming certain forest situated in the villages Iluppitiya, Deiyagala, Marambekanda, Kalatuwawa, and Mápota, in the Pallé pattu of Kuruwiti kóralé, in the District of Ratnapura, to be a reserved forest from and after October 1, 1892.

21 Re-defining the limits of the town of Badulla for the purposes of "The Local Board of Health and Improvement Ordinance, 1876," with effect from January 1, 1893.

28 Assenting to the formation of a Volunteer Corps at Negombo.

28 Assenting to the formation of a Volunteer Corps at Hambantota.

28 Assenting to the formation of a Volunteer Corps at Trincomalee.

28 Constituting the forest called Madolmukalana, Kekuna-atulamukalana, Weralamukalana, and Eteketunamukalana a village forest for the benfit of the village communities consisting of the villages Welihelatenna and Dodawatta, in Lower Bulatgama of the Kégalla District.

Oct. 4 Constituting a village forest for the benefit of the village community of Bómbuwala, in the Kalutara Totamuna of the Western Province.

4 Constituting a village forest for the benefit of the village communities consisting of the villages Gamagoda, Udupitigoda, Serupita, and Veihéna, in the Kalutara Totamuna of the Western Province.

Oct. 4 Constituting a village forest for the benefit of the village communities consisting of the villages Diyagama and Kohoṭána, in the Kalutara Toṭamuna of the Western Province.

4 Constituting a village forest for the benefit of the village community of Palátoṭa, in the Kalutara Toṭamuna of the Western Province.

4 Constituting a village forest for the benefit of the village community of Mahahinaṭiyangala, in the Kalutara Toṭamuna of the Western Province.

4 Constituting a village forest for the benefit of the village community of Nágoḍa, in the Kalutara Toṭamuna of the Western Province.

4 Constituting a village forest for the benefit of the village communities consisting of the villages Pambe, Mattégoḍa, Angangoḍa, and Suvandachchimulla, in the Kalutara Toṭamuna of the Western Province.

4 Constituting a village forest for the benefit of the village communities consisting of the villages Vaḍugoḍa, Palayangoḍa, and Nagahaḍúwa, in the Kalutara Toṭamuna of the Western Province.

4 Constituting a village forest for the benefit of the village communities consisting of the villages Madinakanda and Metiyalamulla, in the Kalutara Toṭamuna of the Western Province.

4 Constituting a village forest for the benefit of the village communities consisting of the villages Potuvila, Véragala, Panikkigoḍa, Pahalagoḍa, Gómarakanda, and Gabaḍágoḍa, in the Kalutara Toṭamuna of the Western Province.

4 Constituting a village forest for the benefit of the village communities consisting of the villages Munhéna and Mahamaggona, in the Kalutara Toṭamuna of the Western Province.

4 Constituting a village forest for the benefit of the village communities consisting of the villages Manhandiya, Baḍanágoḍa, Herattuḍuwa, and Valatara, in the Kalutara Toṭamuna of the Western Province.

4 Constituting a village forest for the benefit of the village communities consisting of the villages Pannila, Ambepiṭiya, Heṭṭimulla, Bógalla, and Kankánagoḍa, in the Kalutara Toṭamuna of the Western Province.

4 Constituting a village forest for the benefit of the village communities consisting of the villages Páḍágoḍa, Kaṭavila, Malévangoḍa, and Onihéna, in the Kalutara Totamuna of the Western Province.

4 Constituting a village forest for the benefit of the village communities consisting of the villages Andáwala, Laddúwa, Mégama, Dévagoḍa, Riṭiketiya, Walagedara, and Henpiṭa, in the Kalutara Toṭamuna of the Western Province.

Oct. 5 Constituting a village forest for the benefit of the village communities consisting of the villages Hénegama, Parawala, Owiṭigala, and Badugama, in the Pasdun kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Tuḍugala, Doḍangoḍa, Nehinna, Wadugama, Remunágoḍa, Bolossa, Weḷikanda, and Ukwatta, in the Pasdun kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Yaṭadolawatta, Karampetara, Koṭugedara, Nawattuḍuwa, Kolehekuḍa, Pallegoḍa, Kirantiḍiya, Bopiṭiya, Puhambugoḍa, Eladúwa, and Galpotuwela, in the Pasdun kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Bellana, Yakupiṭiya, Wehera, and Kitulgoḍa, in the Pasdun kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Uḍawela, Gorokgoḍa, Helambe, Girikola, Omatta, Pimbure, Delpe, and Halowiṭa, in the Pasdun kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Matugama, Wetteẹwa, and Gurudala, in the Pasdun kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Palligoḍa and Narawila, in the Pasdun kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village community of Pantiya, in the Pasdun kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Welkandala, Iddagoḍa, and Ihala Neẹboḍa, in the Pasdun kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Pahala Neẹboḍa, Pelapiṭiyagoḍa, and Tebuwána, in the Pasdun kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Ihalawelgama, Pahalawelgama, Paragoḍa, Molkawa, Yaṭagampiṭiya, Niggaha, and Delmella, in the Pasdun kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Hedigalla, Dehipiṭiya, Gurulabeḍda, Kalugala, Atale, Ingurudaluwa, Boralugoḍa, Kalukandawa, and Tinniyawala, in the Pasdun kóralé of the Western Province

Oct. 5 Constituting a village forest for the benefit of the village communities consisting of the villages Kamburuwala, Magura, Baduréliya, and Panigala, in the Pasdun kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Ratmale, Kurupiṭa, Kewiṭiyagala and Diyapattugama, in the Pasdun kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Horawala, Migahaṭenna, Moragala, Liniyawa, Kuḍákalupahana, Mahakalupahana, Madawala, Uragoḍa, and Dodanpápiṭiya, in the Pasdun kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Héwẹssa, Botaláwa, and Pẹlawatta, in the Pasdun kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Pinnagoḍa, Mulaṭiyána, and Rangedara, in the Pasdun kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Latpandura, Pelenda, Midalana, Ambégoḍa, and Morapiṭiya, in the Pasdun kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Agalawatta, Beregama, Kẹkulandola, Wandurabba, Yaṭiyana, and Dapiligoḍa, in the Pasdun kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Indigastuḍuwa and Bondupiṭiya, in the Pasdun kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Walalláwiṭa, Kaṭadora, Gulawiṭa, Makalandáwa, Magurumaswila, Tolaha, Yagirala, and Uḍugama, in the Walalláwiṭi kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Déwamulla, Ihalanaragala, Pahalanaragala, Opalla, and Kobowaka, in the Pasdun kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Reṭiyala and Gowinna, in the Pasdun kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Warakágoḍa, Pahalakarannágoḍa, Ihalakarannágoḍa, and Nahalla, in the Pasdun kóralé of the Western Province.

Oct. 5 Constituting a village forest for the benefit of the village communities consisting of the villages Mahagama, Kudaligama, Weyangalla, Diyakaḍuwa, Halwatura, Bótalé, Diwalakada, and Bulatsiṇhala, in the Pasdun kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Kurudippiṭa, Pannila, and Kanáne, in the Walalláwiṭi kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Weḷipenna and Lewuwandúwa, in the Walalláwiṭi kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Halwala, Lúlbaddúwa, Ittapana, and Maḍawiṭa, in the Walalláwiṭi kóralé of the Western Province.

5 Constituting a village forest for the benefit of the village communities consisting of the villages Karapagala and Gummana, Paregama, and Matugama, in the Walalláwiti kóralé of the Western Province.

6 Directing that a criminal sessions of the Supreme Court be held at Kalutara on or about October 27, 1892.

6 Proclaiming that the road from Múnamalwatta ferry to Horawala, in the Kalutara District, shall, for the purposes of "The Road Ordinance, 1861," be deemed to be a principal thoroughfare as from and after January 1, 1893.

10 Bringing "The Youthful Offenders' Ordinance, 1886," into operation in the division of Pánaduré from and after November 1, 1892.

15 Re-defining the limits of the town of Badulla under section 13 of "The Police Ordinance, 1865."

Nov. 2 Proclaiming certain forest land in the villages Maniyangama and Timbiripola, in Panawal and Atulugam kóralés of the Kégalla District, to be a reserved forest from and after November 5, 1892.

5 Bringing Ordinance No. 20 of 1891, intituled "An Ordinance to render more accurate and complete the Registration of Deaths," into operation from and after January 1, 1893, within the town of Colombo.

17 Re-defining the limits of the town of Trincomalee for the purposes of "The Local Board of Health and Improvement Ordinance, 1876," as from and after January 1, 1893.

28 Proclaiming certain forest land in the villages Mágammana, Eluwana, Ihala Daigala, and Atulugama, in Atulugam kóralé of the Three Kóralés, to be a reserved forest from and after January 1, 1893.

Nov. 28 Constituting a village forest for the benefit of the village communities consisting of the villages Panágoḍa and Goḍagama in the Pallé pattu and Megoḍa in the Meḍa pattu of Héwágam kóralé, Western Province.

Dec. 7 Appointing rates at which toll shall be levied in respect of the road from Negombo to Dúnagaha between the 6th and 7th mileposts.

15 Appointing rates at which toll shall be levied at the junction of the Horawala-Pelawatta road with the Horawala-Alutgama road in the Kalutara District.

15 Declaring that the payment of toll at the junction of Horawala-Pelawatta road with the Horawala-Alutgama road shall clear the toll at the Múnamalwatta ferry, and *vice versâ*.

23 Appointing rates at which toll shall be levied in respect of the road from Yatiyantota to Karawanella bridge and of the road from Ruwanwella to Karawanella bridge.

23 Bringing the Ceylon Savings Bank Amending Ordinance, No. 12 of 1892, into operation from and after January 1, 1893.

29 Appointing rates at which toll shall be levied in respect of the road from Colombo to Galle between the 47th and 48th mileposts and between the 57th and 58th mileposts on that road.

30 Directing that a criminal sessions of the Supreme Court be held at Badulla on or about January 25, 1893.

1893.

Jan. 5 Dividing the town of Colombo into localities, and appointing local registrars under the provisions of Ordinance No. 20 of 1891, intituled "An Ordinance to render more accurate and complete the Registration of Deaths."

7 Declaring the District of Trincomalee to be an irrigation district for the purposes of "The Irrigation and Paddy Cultivation Ordinance, 1889."

7 Bringing "The Merchandise Marks Ordinance, 1892," into operation as from and after July 1, 1893.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Mahabellana, Alubómulla, Urakaḍuwa, Kuḍá Aruggoḍa, Maha Aruggoḍa, Koppala, Banḍáragama, Maswila, Rerukana, Rammukkana, Bolgoḍa, Undugoḍa, Visidágama, Lóképila, Haddagoḍa, Gammanpila, Bolabotuwa, Kamburugoḍa, Vilegoḍa, Kindelpitiya, Alutgama, Medagama, Welmilla, and Goḍigomuwa, in the Rayigam kóralé of the Western Province.

Jan. 7 Constituting a village forest for the benefit of the village communities consisting of the villages Milleniya, Rammanike, and Arakágoḍa, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Kętagoḍa, Damingomuwa, and Boddelgoḍa, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Haltōṭa, Kelesgomuwa, Nágomuwa, Mádampé, Langana, Máwatgama, and Kęnnantuḍáwa, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Panapé, Bamunumulla, Atalugama, Galtuḍé, Węwiṭa, Yaṭiyana, Kolamędiriya, Kimmantuḍáwa, Paragastoṭa or Raddegoḍa, and Kuḍágonadúwa, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Rayigama, Kotaláwala, Galanigama, Kumbuké, and Palannóruwa, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Węlikola, Gungomuwa, Bellantuḍáwa, Okandúwa, and Tibboṭugoḍa, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Keselhénáwa, Páḍagala, Datagoḍa, Uratuḍáwa, Kúḍella, and Induguḍa, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Remuna, Bęllapiṭiya, Máhéna, and Węwala, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Baṭagoḍa and Weniwęlpiṭiya, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Dombagoḍa and Pilatupiṭiya, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Ilimbé and Kandána, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Wérawatta, Kananwila, and Walpiṭa, in the Rayigam kóralé of the Western Province.

Jan. 7 Constituting a village forest for the benefit of the village communities consisting of the villages Akurukalawiṭa, Ampiṭigala, Kuḍáyála, and Mahá-yála, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Madurá̆wala, Aṇguruwátoṭa, Uḍugammana, Mábógoḍa, and Muruddeniya, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village community of Uḍuwara, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village community of Uḍuwa, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village community of Talagala, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village community of Kulupahana, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village community of Olaboḍuwa, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Aramanágolla, Weligampiṭiya, Pokunuwiṭa, Kebellágoḍa, Hénegama, Kanéwala, Miwana, Baṭuwiṭa, Kahaṭapiṭiya, Kananwila, Horana, Owiṭiyágala, and Munagama, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Yaṭawara, Talahiṭiya, Bégomuwa, Delgoḍa, and Pátakaḍa, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village community of Pelpola, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Morontuḍuwa, Nándúwa, and Máwala, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Kalapugama, Kobodúwa, Kuḍáwaskaḍuwa, Potupiṭiya, Korosdúwa, Pohaddaramulla, Deldúwa, Nugégoḍa, Panápiṭiya, Gallagoḍa, Kalugoḍa, Waddagoḍa, Rannungala, Paradúwa, Diyagama, Galpáta, Barahupola, and Panágoḍa, in the Rayigam kóralé of the Western Province.

Jan. 7 Constituting a village forest for the benefit of the village communities consisting of the villages Peṭigomuwa, Yálagala, and Labugama, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village community of Menérigama, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Handapángoḍa, Kompé, Baṭugampola, and Kękuladaṭa, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Kandanépiṭiya and Maḍakaḍa, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Arakáwila, Kurana, Kaṭugalgama, and Koṭigala, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Wagawatta and Kekuláliya, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village community of Nambapána, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Urugala and Iṇgiriya, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Ratmalgoḍa, Pęlapiṭigoḍa, Máputugala, Pahurutoṭa, and Kalupahana, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village communities consisting of the villages Kindelpiṭiya, Goroggoḍa, Koṭigangoḍa, Hándupęlpola, Dambara, and Miwanapalána, in the Rayigam kóralé of the Western Province.

7 Constituting a village forest for the benefit of the village community of Millęwa, in the Rayigam kóralé of the Western Province.

12 Proclaiming certain forest in the villages Welatuḍuwa, Wégalla, and Léwala, in Lower Bulatgama, to be a reserved forest as from and after February 1, 1893.

12 Proclaiming certain forest in the village Welatuḍuwa, in Lower Bulatgama, to be a reserved forest as from and after February 1, 1893.

Jan. 12 Proclaiming certain forest in the village Léwala, in Lower Bulatgama, to be a reserved forest as from and after February 1, 1893.

12 Constituting village forests for the benefit of the village communities consisting of the villages Léwala, Wégalla, and Welatuḏuwa, in Lower Bulatgama of the Kégalla District.

17 Bringing "The Ceylon Postal and Telegraph Ordinance, 1892," into operation as from and after January 17, 1893.

19 Altering the limits of the town of Mátara for the purposes of "The Local Board of Health and Improvement Ordinance, 1876," as from and after February 1, 1893.

19 Increasing duty on all hides and horns of spotted deer and sambur exported from this Colony from February 1, 1893.

25 Revoking Proclamation of June 23, 1881, establishing a police force in the town of Pasyála.

25 Establishing a police force from and after February 1, 1893, at Kolonnáwa, and declaring that certain sections of "The Police Ordinance, 1865," shall thereafter come into operation in the said place.

27 Proclaiming certain forest in Mádampé gabadágama, in the Meḍa pattu of Aṭakalan kóralé, to be a reserved forest as from and after February 28, 1893.

30 Constituting a village forest for the benefit of the village community of Delgomuwa, in the Uḍa pattu of Kuruwiṭi kóralé, Province of Sabaragamuwa.

Feb. 2 Constituting a village forest for the benefit of the village community of Mádampé gabadágama, in the Meḍa pattu of Aṭakalan kóralé, Province of Sabaragamuwa.

4 Approving and publishing rules for the irrigation and cultivation of paddy lands in Koḍḍiyár, Kaddukkuḷam, and Tampalakámam pattus of the Trincomalee District, under "The Paddy Cultivation Ordinance, 1889."

18 Bringing "The Small Towns Sanitary Ordinance, 1892," into operation as from and after March 1, 1893.

25 Proclaiming certain forest in the gabadágama of Kumburugamuwa, in the Kolonnágam pattu of Kolonná kóralé, to be a reserved forest as from and after March 20, 1893.

25 Declaring that certain provisions of "The Forest Ordinance, 1885," shall, from and after March 1, 1893, be applicable to the Morahela forest, and bringing that forest within the operation of those provisions.

Mar. 7 Publishing port rules for regulating the use of lights to be carried at night by steam launches, cargo and passenger boats plying in, and sailing vessels entering or leaving the harbour of, the Port of Colombo.

28 Amending, as from and after April 1, 1893, the grouping of the Náwalapitiya District by including therein, for the purposes of "The Medical Wants Ordinance, 1880," Hopewell estate.

April 11 Directing that criminal sessions of the Supreme Court be held at Mátara and Tangalla on or about May 5 and 15, 1893, respectively.

11 Proclaiming certain forest at Ratnapura, in the Uḍa pattu of Kuruwiṭi kóralé, to be a reserved forest as from and after May 1, 1893.

14 Proclaiming that Sir E. Noel Walker, K.C.M.G., has assumed the administration of the Government of this Island.

26 Bringing Ordinance No. 4 of 1891, intituled "An Ordinance to empower Police Magistrates to inflict Whipping for theft of Prædial Products," into operation within the revenue District of Mátalé as from and after May 1, 1893.

May 8 Proclaiming certain forest in the village Pannila, in the Pannil pattu of Aṭakalan kóralé in the Ratnapura District, to be a reserved forest as from and after June 1, 1893

8 Constituting a village forest for the benefit of the village community of Pannila, in the Pannil pattu of Aṭakalan kóralé in the District of Ratnapura, Province of Sabaragamuwa.

16 Extending, as from and after June 1, 1893, all the provisions of Ordinance No. 11 of 1882 to the Luccombe bazaar

26 Bringing "The Carriage Ordinance, 1873," into operation along the line of road from Mátara to Tangalla as from and after June 1, 1893.

June 18 Directing that criminal sessions of the Supreme Court be held at Batticaloa and Trincomalee on or about July 17 and 20, respectively.

18 Amending, as from and after July 1, 1893, the grouping of the Avisáwélla District by including therein, for the purposes of "The Medical Wants Ordinance, 1880," Mattamagoḍa and Waṭagalla estates.

21 Directing that a criminal sessions of the Supreme Court be held at Kandy on July 17, 1893, instead of on August 1, as fixed by "The Courts Ordinance, 1889."

21 Appointing rates at which toll shall be levied in respect of the Véyangoḍa-Ruwanwella road on the Véyangoda side of the Ruwanwella bridge.

July 18 Annulling the limits of the port of Balapitimódara and declaring the same, as from and after August 1, 1893, to be no longer a port for the purposes of Ordinance No. 17 of 1869.

19 Declaring that the section of road lying between the railway crossing at Alutgama and the river shall be deemed a principal thoroughfare as from and after January 1, 1894.

25 Declaring that the road from the resthouse to the bar at Batticaloa shall be deemed a principal thoroughfare as from and after January 1, 1894.

28 Increasing the duty imposed on hides and horns of spotted deer and sambur as from and after August 1, 1893.

Aug. 17 Publishing port rules for regulating the manner in which vessels shall enter the port of Trincomalee, and also for regulating boats plying in such harbour.

21 Proclaiming certain forest in the village Manuwangama, in the Anaivilundan pattu south, to be a reserved forest as from and after September 1, 1893.

23 Declaring that the right of interment in the family vault in the Presbyterian burial ground at Kalutara is continued to Mr. and Mrs. F. P. Scharenguivel, with whom the right is to cease and determine.

30 Amending a port rule thereby prohibiting all boats, whether licensed or otherwise, plying in the port of Colombo from going alongside or within 50 fathoms of any vessel arriving within the port, until such vessel has been moored in her berth.

Sept. 2 Directing that a criminal sessions of the Supreme Court be held at Mátara on September 29, 1893.

2 Declaring that the tonnage of ships under 15 tons burden conveying goods coastwise shall be ascertained in manner set out in the regulation in the schedule.

5 Revoking Proclamation of June 28, 1892, establishing a police force in the town of Balangoḍa as from and after December 31, 1893.

6 Proclaiming certain forest to be a reserved forest as from and after October 1, 1893.

7 Altering and amending Proclamation of February 25, 1893, declaring certain provisions of "The Forest Ordinances, 1885 and 1892," to be applicable to the Morahela forest, excluding thereby Massena estate.

8 Establishing a police force in the town of Balangoḍa within defined limits as from and after January 1, 1894.

Sept. 12 Declaring certain roads in the Batticaloa and Trincomalee Districts to be principal thoroughfares as from and after October 1, 1893.

20 Defining, for the purposes of "The Municipal Councils' Ordinance, 1887," the limits and divisions of the Municipality of Galle as from and after October 1, 1893.

20 Declaring the road from the village called Tabbowa to the junction at Horagolla, Chilaw District, to be a principal thoroughfare as from and after January 1, 1894.

22 Bringing the towns of Hatton and Dikoya under the operation of "The Small Towns Sanitary Ordinance, 1892," as from and after October 1, 1893, and defining the limits of those towns.

22 Bringing the town of Nánu-oya under the operation of "The Small Towns Sanitary Ordinance, 1892," as from and after October 1, 1893, and defining the limits of that town.

23 Confirming by-laws made by the Municipal Council, Colombo, in substitution of others previously made, regarding rates of carriage, hackery, and jinricksha hire to come into effect as from and after January 1, 1894.

Oct. 10 Abolishing certain districts formed for the purposes of "The Medical Wants Ordinance, 1880," and forming others, with effect from October 16, 1893.

10 Altering and varying the divisions of the District of Kandy as from and after January 1, 1894, for the purposes of "The Road Ordinance, 1861."

10 Altering and varying the divisions of the District of Mátalé as from and after January 1, 1894, for the purposes of "The Road Ordinance, 1861."

10 Altering and varying the divisions of the District of Nuwara Eliya as from and after January 1, 1894, for the purposes of "The Road Ordinance, 1861."

10 Bringing the towns of Rakwána and Yaṭiyantoṭa under the operation of "The Small Towns Sanitary Ordinance, 1892," as from and after January 1, 1894, and defining the limits of those towns.

17 Bringing the town of Náwalapiṭiya under the operation of "The Small Towns Sanitary Ordinance, 1892," as from and after January 1, 1894, and defining the limits of that town.

17 Bringing the town of Kaṭugastoṭa under the operation of "The Small Towns Sanitary Ordinance. 1892," as from and after January 1, 1894, and defining the limits of that town.

17 Bringing the town of Kaḍugannáwa under the operation of "The Small Towns Sanitary Ordinance, 1892," as from and after January 1, 1894, and defining the limits of that town.

Oct.	31	Bringing the towns of Haputalé and Bandárawela under the operation of "The Small Towns Sanitary Ordinance, 1892," as from and after January 1, 1894, and defining the limits of those towns.
Nov	7	Establishing a police force at Péliyagoḍa as from and after November 15, 1893.
	7	Establishing a police force at Pámankaḍa as from and after November 15, 1893.
	16	Bringing the town of Galle under the operation of Ordinance No. 2 of 1893 (Opium and Bhang) as from and after November 17, 1893.
	16	Bringing the town of Kurunégala under the operation of Ordinance No. 2 of 1893 (Opium and Bhang) as from and after November 17, 1893.
	16	Bringing the town of Kalutara under the operation of Ordinance No. 2 of 1893 (Opium and Bhang) as from and after November 17, 1893.
	16	Bringing the town of Kandy under the operation of Ordinance No. 2 of 1893 (Opium and Bhang) as from and after November 17, 1893.
	16	Bringing the town of Negombo under the operation of Ordinance No. 2 of 1893 (Opium and Bhang) as from and after November 17, 1893.
	23	Establishing the Mutwal Jail as a prison for the reception of prisoners of every description.
	24	Bringing the town of Gampola under the operation of Ordinance No. 2 of 1893 (Opium and Bhang) as from and after November 24, 1893.
	24	Bringing the town of Mátalé under the operation of Ordinance No. 2 of 1893 (Opium and Bhang) as from and after November 24, 1893.
	24	Bringing the town of Nuwara Eliya under the operation of Ordinance No. 2 of 1893 (Opium and Bhang) as from and after November 24, 1893.
	24	Bringing the town of Mátara under the operation of Ordinance No. 2 of 1893 (Opium and Bhang) as from and after November 24, 1893.
	24	Bringing the town of Badulla under the operation of Ordinance No. 2 of 1893 (Opium and Bhang) as from and after November 24, 1893.
	29	Bringing the town of Ratnapura under the operation of Ordinance No. 2 of 1893 (Opium and Bhang) as from and after November 29, 1893.
	29	Bringing the town of Batticaloa under the operation of Ordinance No. 2 of 1893 (Opium and Bhang) as from and after November 29, 1893.
	29	Bringing the town of Trincomalee under the operation of Ordinance No. 2 of 1893 (Opium and Bhang) as from and after November 29, 1893.
Dec.	6	Directing that a criminal sessions of the Supreme Court be held at Badulla on January 8, 1894.

Dec. 6 Appointing a tax of 4 per cent. for the maintenance of the police in the town of Balangoḍa.

12 Altering, as from and after January 1, 1894, for the purposes of "The Road Ordinance, 1861," the divisions of the District of Chilaw.

15 Proclaiming that the by-law made by the Municipal Council, Galle, regarding the slaughtering of pigs, the flesh of which is intended for sale, shall have effect from and after December 16, 1893.

15 Proclaiming that the by-law made by the Municipal Council, Galle, regarding occupation of the markets, shall have effect from and after December 22, 1893.

15 Proclaiming that the by-law made by the Municipal Council, Galle, regarding the slaughtering of cattle, shall have effect from and after January 1, 1894.

23 Bringing Ordinance No. 6 of 1893, intituled, "An Ordinance to prevent the wanton destruction of Birds, Beasts, and Fishes not indigenous to this Colony," into operation as from and after January 1, 1894.

29 Appointing a tax of 4 per cent. for the maintenance of the police in the town of Rakwána.

29 Establishing, as from and after January 1, 1894, a general cemetery in the town of Taṇgalla.

29 Bringing "The Rabies Ordinance, 1893," into operation as from and after January 1, 1894.

1894.

Jan. 12 Bringing "The Prevention of Crime Ordinance, 1893," into operation in the District of Mátara as from and after February 15, 1894.

12 Exempting from the operation of "The Prevention of Crime Ordinance, 1893," that portion of the District of Mátara lying within the Morawak kóralé.

14 Bringing the town of Balangoḍa under the operation of "The Small Towns Sanitary Ordinance, 1892," as from and after January 14, 1894, and defining the limits of that town.

22 Declaring that from and after February 1, 1894, a portion of the reserved forest at Bendaluwa shall cease to be reserved.

30 Directing that a criminal sessions of the Supreme Court be held at Trincomalee on February 26, 1894.

Feb. 7 Bringing the town of Madampé under the operation of "The Small Towns Sanitary Ordinance, 1892," as from and after February 7, 1894, and defining the limits of that town.

18 Bringing "The Carriage Ordinance, 1873," into operation in the town of Kurunégala as from and after April 2, 1894.

26 Promulgating and publishing port rule framed under "The Masters Attendant's Ordinance, 1865," for keeping free passages within the Port of Colombo and along the moorings therein.

Mar. 2 Bringing "The Pawnbrokers' Ordinance, 1893," into effect within the limits of the District of Colombo as from and after April 2, 1894.

4 Subdividing the southern division of Manmunai East and appointing that the said southern division of Manmunai East shall, as from and after February 26, 1894, consist of certain villages named.

4 Bringing within the operation of "The Village Communities' Ordinance, 1889," the southern division of Manmunai East of the Batticaloa District as from and after February 26, 1894.

7 Proclaiming that the North road, Mátalé, be no longer vested in the Local Board of Health and Improvement of the town of Mátalé, and exempting it from the operation of "The Local Board of Health and Improvement Ordinance, 1876."

9 Directing that the second criminal sessions of the Supreme Court at Colombo commence on April 2, 1894, instead of on March 20, as fixed by "The Courts Ordinance, 1889."

11 Proclaiming approval by the Governor of certain additional rules relating to tanks and cultivation of paddy lands in the Medapaláta of Pitigal kóralé central division, and Ótarapaláta and Kammal pattu of Pitigal kóralé southern division of the District of Chilaw.

11 Proclaiming approval by the Governor of certain additional rules relating to tanks and cultivation of paddy lands in the Yágam and Yatakalan pattus of Pitigal kóralé central division of the District of Chilaw.

18 Confirming by-laws relating to removal of night soil made by the Municipal Council, Colombo, under "The Municipal Councils' Ordinance, 1887."

April 11 Bringing "The Pawnbrokers' Ordinance, 1893," into effect within the Municipal limits of Kandy as from and after May 1, 1894.

18 Directing that a criminal sessions of the Supreme Court be held at Mátara on May 14, 1894.

May 10 Declaring that Pupuressa bazaar shall be a "town" for the purposes of "The Small Tenements Ordinance, 1882," and defining the limits thereof.

15 Conferring the privileges of naturalization on Francis Auguste Raden, of Colombo.

29 Declaring certain Crown lands in the villages Badagomuwa, Atamuna, Denagamuwa, Mahakowana, Torayáya, and Ranawana, in Mahagalboda Megoda kóralé of Hiriyala hatpattu, in the District of Kurunégala, to be reserved forests as from and after June 1, 1894.

31 Directing that the third criminal sessions of the Supreme Court at Colombo commence on June 25 instead of on July 10, as fixed by "The Courts Ordinance, 1889."

June 2 Bringing "The Municipal Cemeteries Ordinance, 1894," into operation as from and after July 1, 1894.

2 Bringing "The Municipal Burial and Cremation Grounds Ordinance, 1894," into operation as from and after July 1, 1894.

9 Revoking the division of the District of Batticaloa into the divisions of Batticaloa and Kalmunai, and declaring that the two divisions shall, as from and after July 1, 1894, form one division called the division of Batticaloa.

9 Establishing a Court of Requests and Police Court within the division of Batticaloa and appointing Batticaloa and Kalmunai as places at which the said courts shall be held.

14 Declaring that the buildings erected by the Local Board of Kurunégala at Wilgoda shall be a public slaughter-house under "The Butchers' Ordinance, 1893."

20 Bringing "The Youthful Offenders' Ordinance" into operation within the Judicial District of Kalutara as from and after July 1, 1894.

28 Directing that the second criminal sessions of the Supreme Court at Kandy commence on July 30 instead of on August 1, as fixed by "The Courts Ordinance, 1889."

July 7 Directing that criminal sessions of the Supreme Court be held at Batticaloa and at Trincomalee on or about July 21 and July 25, respectively.

7 Declaring the prison at Vavuniya closed as from and after July 25, 1894.

Aug. 15 Directing that from and after August 1, 1894, a portion of the reserved forest at Léwala, in Lower Bulatgama of the Kégalla District, shall cease to be reserved.

21 Exempting from the operation of "The Village Communities' Ordinance, 1889," the towns of Rakwána and Balangoda as from and after January 1, 1894.

Aug. 23 Exempting from the operation of "The Village Communities' Ordinance, 1889," such part of the divisions of Tirigandahe kóralé and of Mahagalboḍa Megoḍa kóralé as falls within the limits assigned to the Local Board of Health and Improvement, Kurunęgala.

27 Repealing all the regulations proclaimed from time to time under "The Colombo Waterworks Ordinances, 1886 and 1891," and making further regulations for the purposes of the said Ordinance.

Sept. 7 Proclaiming certain forest in the village Yatapana in Kandupiṭa pattuwa of Beligal kóralé to be a reserved forest as from and after October 1, 1894.

8 Establishing a police force in the rural district of Balangoḍa as from and after January 1, 1895, defining the limits of the district, and bringing certain sections of "The Police Ordinance, 1865," into operation within the district.

11 Directing that the second criminal sessions of the Supreme Court at Galle commence on November 5 instead of on September 15, as fixed by "The Courts Ordinance, 1889."

11 Exempting certain articles used in the making of tea boxes from Customs duty.

20 Bringing section 95 of the Police Ordinance, No. 16 of 1865, into operation in the town of Chilaw as from and after October 1, 1894.

22 Directing that a portion of the reserved forest at Bambaraboṭuwa, in the Uḍa pattu of Nawadun kóralé of the Ratnapura District, shall cease to be reserved.

Oct. 3 Directing that the fourth criminal sessions of the Supreme Court at Colombo commence on November 19 instead of on October 10, as fixed by "The Courts Ordinance, 1889."

3 Directing that a criminal sessions of the Supreme Court be held at Mátara on November 12, 1894.

3 Altering and re-defining the limits of the town of Mátalé for the purposes of "The Local Board of Health and Improvement Ordinance, 1876," as from and after January 1, 1895.

10 Proclaiming approval by the Governor of certain additional rules relating to tanks and cultivation of paddy lands in Anaivilundan and Munnessaram pattus, south of the Dęduru-oya, of Piṭigal kóralé northern division of the District of Chilaw.

10 Prohibiting the use of the net called "karavalai" on the sea-coast at the spot where the Batticaloa lake flows into the sea.

10 Prohibiting absolutely the use of the net called "karavalai" in the Batticaloa lake and of any other kinds of nets in a certain portion of the same lake.

Oct. 10 Revoking so much of Proclamation of October 10, 1893, as brings the town of Yaṭiyantoṭa under the operation of "The Small Towns Sanitary Ordinance, 1892," as from and after October 1, 1894.

11 Authorizing Edward Davis Mathews, of Dashwood House, Old Broad street, London, to construct and work tramways in Colombo, and declaring him to be "promoters" within the meaning and for the purposes of the Ordinance No. 5 of 1873.

15 Directing that a portion of the reserved forest at Timbiripola, in Atulugam kóraḷé of the Kęgalla District, shall cease to be reserved.

19 Appointing that Ordinance No. 15 of 1892, "An Ordinance to levy an Export Duty on Tea," shall cease to be in force in the Colony as from and after October 31, 1894.

20 Bringing the town of Chilaw under the operation of "The Opium and Bhang Ordinance, 1893," as from and after January 1, 1895.

23 Prohibiting the exportation of the hides of spotted deer and sambur during a period of five years as from and after January 1, 1895.

25 Declaring the building erected by the Local Board of Mátara to be a public slaughter-house.

30 Directing that a criminal sessions of the Supreme Court be held at Taṇgalla on November 19, 1894.

Nov. 5 Bringing "The Opium and Bhang Ordinance, 1878," into operation in certain places and districts (enumerated) in the Central Province as from and after January 1, 1894.

6 Ordering discontinuance after June 1, 1895, of burials in the Dutch burial ground situated in the Pettah of the town of Jaffna.

12 Directing that a criminal sessions of the Supreme Court be held at Negombo on December 10, 1894.

12 Abolishing the toll at Kaṭukęlé at the 109th milepost on the Haputalé-Koslanda road in the Badulla District as from and after January 1, 1895.

12 Appointing rates at which the toll established at Tanamalwila in respect of the Wellawáya road shall be levied.

26 Bringing "The Pawnbrokers' Ordinance, 1893," into effect within the Municipal limits of Galle and within the Police limits of Mátara as from and after February 1, 1895.

28 Proclaiming a certain forest in the village Nariyagama in Munnesseram pattu of Piṭigal kóraḷé North, in the District of Chilaw, to be a reserved forest as from and after January 1, 1895.

Nov. 30 Altering the limits of the town of Trincomalee for the purposes of "The Local Board of Health and Improvement Ordinance, 1876," as from and after January 1, 1894.

Dec. 7 Bringing the town of Talawakelé under the operation of "The Small Towns Sanitary Ordinance, 1892," as from and after January 1, 1894, and defining the limits of that town.

8 Establishing a police force in the town of Trincomalee and defining the limits of the town.

9 Bringing the town of Kégalla under the operation of "The Small Towns Sanitary Ordinance, 1892," as from and after January 1, 1894, and defining the limits of that town.

11 Altering and varying the District of Badulla, and declaring that the said district or Province of Uva shall from and after January 1, 1895, be, for the purposes of "The Road Ordinance, 1861," as hereto set forth and defined.

16 Levying an assessment rate of 2½ per cent. on all property within the town of Trincomalee as from and after January 1, 1895.

19 Constituting a village forest for the benefit of the village community of Kitulgala in Lower Bulatgama of the District of Kégalla.

20 Promulgating amended port rules for the Port of Colombo.

21 Proclaiming that Sir E. Noel Walker, K.C.M.G., has assumed the administration of the Government of this Island.

28 Re-defining the limits of the town of Batticaloa, as from and after January 1, 1895, for the purposes of "The Local Board of Health and Improvement Ordinance, 1876."

28 Appointing rates at which the toll established in respect of the ferry on the Valaichenai river at Valaichenai in the Koralai pattu, in the District of Batticaloa, shall be levied.

28 Revoking and cancelling the division of the town of Colombo into nine localities, and dividing the town into four localities from January 1, 1895, for the purposes of Ordinance No. 20 of 1891 (Registration of Deaths).

31 Appointing rates at which the toll established in respect of the Talawatugoda-Hókandara minor road shall be levied.

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